

MONTANA LEGISLATIVE HISTORY

Chapter 507 ~~19~~ 2001

Bill H 345 S _____ Original bill & history ✓ c

H. Committee on Local Gov

Hearing Date(s) 2-6 ✓ c

2-8 ✓ c

2-13 ✓ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Gov

Hearing Date(s) 3-15 ✓ c

3-27 ✓ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE BILLS AND RESOLUTIONS

437

3/06	Segregated from Committee of the Whole Report	47	0
3/07	Taken from 2nd Reading; Rereferred to Finance	50	0
3/13	Hearing		
3/13	Tabled in Committee		
	Died in Standing Committee		

HB 343 Introduced by Wanzenried

LC0408 Drafter: Vandenbosch

Authorize Park Dedication for Minor Subdivisions

1/18	Introduced		
1/18	Referred to Natural Resources		
2/09	Hearing		
2/16	Tabled in Committee		
3/29	Missed Deadline for Revenue Bill Transmittal		

HB 344 Introduced by Bixby

LC1220 Drafter: Fox

Education Activities Fulfill Work Requirements for FAIM; Revise Child Care Provisions for Family Member Payments

12/08	Fiscal Note Needed		
1/18	Introduced		
1/18	Referred to Human Services		
1/18	Fiscal Note Requested		
1/24	Fiscal Note Received		
1/26	Fiscal Note Printed		
2/07	Hearing		
2/12	Committee Executive Action--Bill Passed	17	1
2/13	Committee Report--Bill Passed		
2/15	2nd Reading Passed	62	37
2/15	Rereferred to Appropriations		
2/17	Hearing		
3/14	Tabled in Committee		
3/24	Missed Deadline for Appropriation Bill Transmittal		

HB 345 Introduced by Mangan, et al.

LC1489 Drafter: Petesch

Revise County Official Salaries

1/08	Fiscal Note Needed		
1/18	Introduced		
1/18	Referred to Local Government		
1/18	Fiscal Note Requested		
1/26	Fiscal Note Received		
1/29	Fiscal Note Printed		
2/06	Hearing		
2/15	Committee Executive Action--Bill Passed as Amended	18	0
2/15	Committee Report--Bill Passed as Amended		
2/20	2nd Reading Passed as Amended	93	4
2/22	3rd Reading Passed	94	5
	Transmitted to Senate		
2/28	Referred to Local Government		
3/15	Hearing		
3/29	Committee Executive Action--Bill Concurred as Amended	11	0
3/29	Committee Report--Bill Concurred as Amended		
3/30	2nd Reading Concurred on Voice Vote	50	0
3/31	3rd Reading Concurred	47	1
	Returned to House with Amendments		
4/12	2nd Reading Senate Amendments Concurred	92	7

2

4/13	3rd Reading Passed as Amended by Senate	89	10
4/13	Sent to Enrolling		
4/16	Returned from Enrolling		
4/19	Signed by Speaker		
4/21	Signed by President		
4/21	Transmitted to Governor		
5/01	Signed by Governor		
5/01	Chapter Number Assigned		
	Chapter Number 507		
	Effective Date: 5/01/2001 - All Sections		

HB 346 Introduced by Schrumpf, et al.

LC1330 Drafter: Higgins

Repeal Egg Retailers License

12/22	Fiscal Note Needed		
1/18	Introduced		
1/18	Referred to Agriculture		
1/18	Fiscal Note Requested		
1/22	Fiscal Note Received		
1/24	Fiscal Note Printed		
1/30	Hearing		
2/07	Committee Executive Action--Bill Passed	17	0
2/07	Committee Report--Bill Passed		
2/10	2nd Reading Passed	97	3
2/12	3rd Reading Passed	99	0
	Transmitted to Senate		
2/21	Referred to Agriculture, Livestock and Irrigation		
3/26	Hearing		
3/27	Committee Executive Action--Bill Concurred	8	0
3/27	Committee Report--Bill Concurred		
3/30	2nd Reading Concurred on Voice Vote	49	0
3/31	3rd Reading Concurred	48	0
	Returned to House		
4/02	Sent to Enrolling		
4/02	Returned from Enrolling		
4/05	Signed by Speaker		
4/06	Signed by President		
4/06	Transmitted to Governor		
4/12	Signed by Governor		
4/12	Chapter Number Assigned		
	Chapter Number 225		
	Effective Date: 4/12/2001 - All Sections		

HB 347 Introduced by L. Holden

LC1532 Drafter: Petesch

Appropriate Funds for Conrad Water System

1/18	Introduced		
1/18	Referred to Appropriations		
1/25	Hearing		
3/14	Tabled in Committee		
3/24	Missed Deadline for Appropriation Bill Transmittal		

HB 348 Introduced by Shockley, et al.

LC0019 Drafter: Heiman

Revise Liquor Store Laws -- Percentage of Liquor Store Commission

4/14	Fiscal Note Needed
1/18	Introduced

INTRODUCED BY

(Primary Sponsor)

H BILL NO. 345

HANZEL RICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COUNTIES WITH THE AUTHORITY TO ESTABLISH SALARIES FOR COUNTY OFFICERS; INCLUDING A JUSTICE OF THE PEACE AS A COUNTY OFFICER; ESTABLISHING A COUNTY COMPENSATION BOARD TO MAKE RECOMMENDATIONS TO THE COUNTY COMMISSIONERS FOR ANNUAL SALARY ADJUSTMENTS; PROVIDING FACTORS TO BE CONSIDERED IN MAKING A RECOMMENDATION; PROVIDING THAT A COUNTY OFFICER'S SALARY MAY NOT BE REDUCED BY A RECOMMENDATION; AMENDING SECTIONS 3-10-207, 7-4-2107, 7-4-2503, 7-4-2504, 7-4-2706, 7-14-2126, 15-10-420, 41-5-1704, AND 41-5-1705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution and ~~may, for all or the remainder of each fiscal year,~~ in conjunction with setting salaries for other officers as provided in 7-4-2504(1), ~~set their salaries at the prior fiscal year level if that does not result in a reduction in salary. Salaries must meet the minimum requirements established by this section.~~

~~(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.~~

~~(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.~~

~~(4)(2)~~ The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, ~~except as provided for in subsections (1) and (5).~~

~~(5)(3)~~ ~~In the event his~~ If the justice's court is not open for business full time, the justice's salary ~~shall~~ must be commensurate to the workload and office hours of the court. The salary of a justice of the

1 peace may not be reduced during the justice's term of office."

2

3 **Section 2.** Section 7-4-2107, MCA, is amended to read:

4 **"7-4-2107. Compensation of county commissioners.** (1) ~~Except as provided in subsection (3),~~
5 ~~each~~ Each member of the board of county commissioners in counties of the first, second, third, and fourth
6 ~~class~~ shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and
7 recorder plus \$2,000. ~~However, the county commissioners may, for all or the remainder of each fiscal~~
8 ~~year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries~~
9 ~~at the prior fiscal year level if that level is lower than the level required by this subsection.~~

10 (2) ~~Each member of the board in all other counties may~~ elect to serve on a part-time rather than
11 a full-time basis and receive ~~an~~ part-time annual salary ~~equal to salaries based on~~ the annual salary
12 established in 7-4-2503(1)(a)(iii) for the clerk and recorder ~~or a salary at a per-day rate determined by using~~
13 ~~the salary established in 7-4-2503(1)(a)(iii) for the clerk and recorder. However, the county commissioners~~
14 ~~may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as~~
15 ~~provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level~~
16 ~~required by this subsection. The salary determined by the board must apply uniformly to all board~~
17 ~~members.~~

18 ~~— (3) Each member of the board of fourth class counties may receive a salary at a daily rate~~
19 ~~determined by using the salary established in subsection (1). If a daily rate is used, then all board members~~
20 ~~must be paid on that basis.~~

21 ~~(4)~~ (3) This section does not apply to counties that have adopted a charter form of government."

22

23 **Section 3.** Section 7-4-2503, MCA, is amended to read:

24 **"7-4-2503. (Temporary) Salary schedule for certain county officers -- county compensation board.**

25 (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county
26 assessor, county superintendent of schools, county sheriff, county surveyor in counties where county
27 surveyors receive salaries as provided in 7-4-2812, justice of the peace, and county auditor in all counties
28 where the office is authorized must be established by the county governing body ~~at no less than 80% of~~
29 ~~the annual base salary of:~~

30 ~~— (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10~~

1 ~~for each 100 persons or major fraction of 100 persons included in the county's population as determined~~
2 ~~by the 1990 federal decennial census; or~~
3 ~~—— (ii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10~~
4 ~~for each 100 persons or major fraction of 100 persons in the county's population as determined by the~~
5 ~~1990 federal decennial census~~ based upon the recommendations of the county compensation board
6 provided for in subsection (4).

7 (b) The annual ~~base~~ salary established by the county governing body in subsection (1)(a) must be
8 uniform for all county officers referred to in subsection (1)(a).

9 (2) (a) An elected county superintendent of schools must receive, in addition to the salary based
10 upon subsection (1), the sum of \$400 a year, except that an elected county superintendent of schools
11 who holds a master of arts degree or a master's degree in education, with an endorsement in school
12 administration, from a unit of the Montana university system or an equivalent institution may, at the
13 discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up
14 to \$2,000 a year.

15 (b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum
16 of \$2,000 a year.

17 (c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base~~ salary ~~set~~
18 ~~forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years
19 of service during any year in which the salary was set at the level of the salary of the prior fiscal year may
20 not be included in any calculation of longevity increases. The additional salary amount provided for in this
21 subsection may not be included in the ~~base~~ salary for purposes of computing the compensation for
22 undersheriffs and deputy sheriffs as provided in 7-4-2508.

23 (3) (a) In each county with a population in excess of 30,000, the county attorney must be a
24 full-time official under 7-4-2704, and the base salary is \$50,000 a year, subject to adjustment as provided
25 in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time
26 official ~~for a county of the first, second, or third class~~ is entitled to receive an annual ~~base~~ salary equal to
27 60% of the annual salary of a full-time county attorney. ~~A county attorney who is a part-time official for~~
28 ~~a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual base salary equal to~~
29 ~~50% of the annual base salary of a full-time county attorney.~~

30 (b) In those counties where the office of the county attorney has been established as a full-time

1 position pursuant to 7-4-2706, the ~~base~~ salary of the county attorney is the same as the ~~base~~ salary
2 established for full-time county attorneys in subsection (3)(a).

3 ~~(c) On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary
4 ~~calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's~~
5 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~
6 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~
7 ~~the future recognize as the successor to that index~~ based upon the schedule developed and approved by
8 the county compensation board as provided in subsection (4). ~~However, the county commissioners may,~~
9 ~~for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as~~
10 ~~provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level~~
11 ~~required by this subsection (3)(c). The cost of living increment for each fiscal year must be added to all~~
12 ~~cost of living increments granted for previous years unless salaries were set for the fiscal year at the level~~
13 ~~of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost of living~~
14 ~~increment that would have been received for the fiscal year, computed on the prior fiscal year, may not~~
15 ~~be added to previous increments.~~

16 ~~(d) (i)~~ After completing 4 years of service as deputy county attorney, each deputy county attorney
17 is entitled to an increase in salary of \$1,000 on the anniversary date of employment as a deputy county
18 attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is
19 entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After
20 completing 6 years of service as deputy county attorney and for each year of additional service ~~thereafter~~
21 up to completion of the 11th year of service, each deputy county attorney is entitled to an additional
22 annual increase in salary of \$500.

23 ~~(iii) A county with a full-time county attorney may pay its full-time county attorney the same~~
24 ~~longevity increase that is provided for under subsection (3)(d)(i) for deputy county attorneys.~~

25 ~~(iii) Unless longevity increases are restored pursuant to 7-4-2504(2), the years of service during~~
26 ~~a year in which the salary was set at the level of the salary of the prior fiscal year may not be included~~
27 ~~in a calculation of longevity increases.~~

28 ~~(4) The latest federal decennial census statistics are the basis for computation of population~~
29 ~~increments under this section. During the intervening 9 years, the computation of population increments~~
30 ~~applicable on July 1 of each year is based on the most current calendar year's estimates of counties.~~

7

~~populations compiled by the federal-state cooperative program for estimates of the university of Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify.~~

(4) (a) There is a county compensation board consisting of the county commissioners, the county officials described in subsection (1), and the county attorney. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(b) The county compensation board shall prepare a compensation schedule for the elected county officials for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(c) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on [the effective date of this act]. (Terminates July 1, 2001--sec. 4, Ch. 411, L. 1999.)

7-4-2503. (Effective July 1, 2001) Salary schedule for certain county officers -- county compensation board. (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, and county auditor in all counties where the office is authorized must be established by the county governing body ~~at no less than 80% of the annual base salary of:~~

~~—— (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10 for each 100 persons or major fraction of 100 persons included in the county's population as determined by the 1990 federal decennial census; or~~

~~—— (iii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10 per 100 persons or major fraction of 100 persons in the county's population as determined by the 1990 federal decennial census~~ based upon the recommendations of the county compensation board provided for in subsection (4).

(b) The annual ~~base salary~~ established ~~by the county governing body in pursuant to~~ subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

(2) (a) An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base salary set forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases. The additional salary amount provided for in this subsection may not be included in the ~~base salary~~ for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

(3) (a) In each county with a population in excess of 30,000, the county attorney must be a full-time official under 7-4-2704, and the salary is \$50,000 per year, subject to adjustment as provided in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time official ~~for a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.~~

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney is the same as that established for full-time county attorneys in subsection (3)(a).

(c) ~~On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary ~~calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in~~

~~the future recognize as the successor to that index based upon the schedule developed and approved by the county compensation board as provided in subsection (4). However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.~~

(d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy county attorney and for each year of additional service thereafter up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase, ~~but, unless longevity increases are restored pursuant to 7-4-2504(2), the years of service during a year in which the salary was set at the level of the salary of the prior fiscal year may not be included in a calculation of longevity increases.~~

~~(4) The latest federal decennial census statistics are the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year is based on the most current calendar year's estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify.~~

(4) (a) There is a county compensation board consisting of the county commissioners, the county officials described in subsection (1), and the county attorney. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana

1 counties, other states, state government, federal government, and private enterprise.

2 (b) The county compensation board shall prepare a compensation schedule for the elected county
3 officials for the succeeding fiscal year. The schedule must take into consideration county variations,
4 including population, the number of residents living in unincorporated areas, assessed valuation, motor
5 vehicle registrations, building permits, and other factors considered necessary to reflect the variations in
6 the workloads and responsibilities of county officials as well as the tax resources of the county.

7 (c) A recommended compensation schedule requires a majority vote of the county compensation
8 board, and at least two county commissioners must be included in the majority. A recommended
9 compensation schedule may not reduce the salary of a county officer that was in effect on [the effective
10 date of this act]."

11

12 **Section 4.** Section 7-4-2504, MCA, is amended to read:

13 **"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments.** (1) The county governing
14 body shall by resolution on or before August 1 of each year adjust and uniformly fix the salaries of the
15 county treasurer, county clerk, county assessor, county school superintendent, county sheriff, clerk of
16 district court, county auditor (if there is one), justice of the peace, and county surveyor (if the surveyor
17 receives a salary). ~~The salaries fixed may be no less than 80% of by adding to the annual base salary~~
18 ~~provided for in 7-4-2503(1) plus a cost-of-living increment based on a percentage of up to 100% of the~~
19 ~~previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau~~
20 ~~of labor statistics, or other index that the bureau of business and economic research of the university of~~
21 ~~Montana-Missoula may in the future recognize as the successor to that index upon the schedule developed~~
22 ~~and approved by the county compensation board provided for in 7-4-2503(4). The county governing body~~
23 ~~may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same~~
24 ~~action on the salaries of justices of the peace (if applicable), the county governing body, the county~~
25 ~~attorney, and the coroner, set the salary at the prior fiscal year level if that level is lower than the level~~
26 ~~required by this subsection. The cost-of-living increment for each fiscal year must be added to all~~
27 ~~cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level~~
28 ~~of salaries received in the prior fiscal year. In such a case, the cost-of-living increment that would have~~
29 ~~been received for the fiscal year, computed on the prior fiscal year, may not be added to previous~~
30 ~~increments.~~

~~(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost of living increments withheld pursuant to subsection (1). If cost of living increments are restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years for which the cost of living increment was restored.~~

~~(3) The county governing body shall by resolution, prior to August 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect on the first day of each ensuing fiscal year.~~

(2) Salary and benefit increases for county officials and county employees based upon the recommendations of the county compensation board provided for in 7-4-2503(4) are not included within the mill levy limit established pursuant to 15-10-420."

Section 5. Section 7-4-2706, MCA, is amended to read:

"7-4-2706. County attorney to be full or part time -- resolution -- salary. (1) In any county with a population of less than 30,000, the county commissioners may, upon the consent of the county attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary ~~provided by~~ established pursuant to 7-4-2503 for the office of county attorney in a county with a population in excess of 30,000.

(2) In any county in which the office of county attorney has been established as a full-time position under subsection (1), the county commissioners may, by resolution and upon the consent of the county attorney, establish the office as a part-time position on July 1 of any year."

Section 6. Section 7-14-2126, MCA, is amended to read:

"7-14-2126. Compensation for making inspections. The person ~~or persons~~ making the inspections authorized by 7-14-2125 shall receive a daily salary equal to ~~that~~ the equivalent of a daily rate for the salary established in 7-4-2107(2) and actual expenses if ~~he receives no~~ the person does not receive other compensation for that day and is not on an annual salary. The claims ~~shall~~ must be audited and allowed in the same manner as other claims against the county."

1
2 **Section 7.** Section 15-10-420, MCA, is amended to read:

3 **"15-10-420. Procedure for calculating levy.** (1) A governmental entity that is authorized to impose
4 mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the
5 prior year, even if that levy is greater than the levy established by law. The maximum number of mills that
6 a governmental entity may impose is established by calculating the number of mills required to generate
7 the amount of property tax actually assessed in the governmental unit in the prior year based on the
8 current year taxable value, less the value of newly taxable property.

9 (2) A governmental entity may apply the levy calculated pursuant to subsection (1) plus any
10 additional levies authorized by the voters to all property in the governmental unit, including newly taxable
11 property.

12 (3) For purposes of this section, newly taxable property includes:

13 (a) annexation of real property and improvements into a taxing unit;

14 (b) construction, expansion, or remodeling of improvements;

15 (c) transfer of property into a taxing unit;

16 (d) subdivision of real property;

17 (e) reclassification of property;

18 (f) transfer of property from tax-exempt to taxable status; and

19 (g) revaluations caused by expansion, addition, replacement, or remodeling of improvements.

20 (4) Subsection (1) does not apply to:

21 (a) school district general fund levies and the school district levy for tuition obligations established
22 in 20-5-324(5); or

23 (b) mill levies to pay for salary and benefit increases for county officials and county employees
24 as provided in 7-4-2504(2) after [the effective date of this act].

25 (5) For purposes of subsection (1), taxes imposed:

26 (a) include registration fees imposed on light vehicles under 61-3-561 and distributed under
27 61-3-509(2); and

28 (b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

29 (6) In determining the maximum number of mills in subsection (1), the governmental entity shall
30 take into account any change from the prior year in the amount of statutory reimbursements for changes

in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read on December 31, 2000, is an increased statutory reimbursement. It may increase the number of mills to account for a decrease in reimbursements and shall decrease the number of mills to fully account for any increase in reimbursements.

(7) The department shall calculate the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, 20-25-439, and 53-2-813. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections.

(8) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit."

Section 8. Section 41-5-1704, MCA, is amended to read:

"41-5-1704. Salary and expenses. (1) A chief probation officer must receive a salary specified by the court, depending on the formal training and experience of each respective officer; however, the salary may not be lower than \$24,000 a year and may not be higher than \$29,000 a year. In addition to the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of the chief probation officer for a cost-of-living increase by adding to the chief probation officer's annual salary on July 1 of that year an increment, as determined by the county governing body using the applicable formula provided for in 7-4-2504, ~~of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index. The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year by the county governing body. If that is the case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.~~ The salary of a chief probation officer must be apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion to the cost allocation established under 41-5-104, except when the officer is appointed for one county, then that county shall pay the entire salary.

(2) In addition to the compensation provided in subsection (1), each chief probation officer with

1 more than 5 years of service is entitled to receive an annual 1 % longevity allowance; however, years of
2 service during any year in which the salary was set at the same level as the salary of the prior fiscal year
3 may not be included in any calculation of longevity increase. Each longevity allowance must be based on
4 the officer's current salary and begins on the officer's annual employment anniversary date. The allowance
5 must be paid in equal monthly installments.

6 ~~(3) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the~~
7 ~~annual cost of living increments withheld pursuant to subsection (1), the longevity increases provided for~~
8 ~~in subsection (2) must also be restored for those years that the cost of living increment was restored.~~

9 ~~(4)~~(3) For all authorized travel incident to a chief probation officer's official duties in connection
10 with the investigation, supervision, and transportation of youth, the chief probation officer must, in
11 addition to the officer's salary, be reimbursed as provided in 2-18-501 through 2-18-503."

12

13 **Section 9.** Section 41-5-1705, MCA, is amended to read:

14 **"41-5-1705. Deputy probation officers -- salary.** (1) The judge having jurisdiction of juvenile
15 matters may appoint persons to serve as deputy probation officers ~~as~~ that the judge considers necessary,
16 giving preference to persons having the qualifications suggested for appointment as the chief probation
17 officer. The salaries of deputy probation officers must be fixed by the judge. The salaries may not exceed
18 90% or be less than 60% of the salary of the chief probation officer, excluding the cost-of-living increase
19 provided in subsection (2) and longevity payments provided in 41-5-1704.

20 (2) In addition to the salary, the judge shall, on or before July 1 of each year, adjust and fix the
21 salary of the deputy probation officer for a cost-of-living increase by adding to the deputy probation
22 officer's annual salary on July 1 of that year an increment, as determined by the county governing body
23 using the applicable formula provided in 7-4-2504, ~~of up to 100% of the previous calendar year's~~
24 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~
25 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~
26 ~~the future recognize as the successor to that index. The cost of living increment for each fiscal year must~~
27 ~~be added to all cost of living increments granted for previous years unless salaries were set for the fiscal~~
28 ~~year at the level of salaries received in the prior fiscal year by the county governing body. If that is the~~
29 ~~case, the cost of living increment that would have been received for the fiscal year, computed on the prior~~
30 ~~fiscal year, may not be added to previous increments. The salary of a deputy probation officer must be~~

1 apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion
2 to the cost allocation established under 41-5-104, except when the officer is appointed for one county,
3 then that county shall pay the entire salary.

4 (3) In addition to the compensation provided in subsections (1) and (2), each deputy probation
5 officer with more than 5 years of service is entitled to receive an annual 1% longevity allowance; however,
6 ~~years of service during any year in which the salary was set at the same level as the salary of the prior~~
7 ~~fiscal year may not be included in any calculation of longevity increase.~~ Each longevity allowance must
8 be based on the officer's current salary and begins on the officer's annual employment anniversary date.
9 The allowance must be paid in equal monthly installments.

10 ~~(4) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the~~
11 ~~annual cost of living increments withheld pursuant to subsection (2), the longevity increases provided for~~
12 ~~in subsection (3) must also be restored for those years that the cost of living increment was restored.~~

13 ~~(5)~~(4) The salary of a deputy probation officer promoted to chief probation officer may not be
14 decreased by the appointment. The deputy probation officer retains all longevity allowances earned during
15 service as a deputy."
16

17 NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

18 - END -

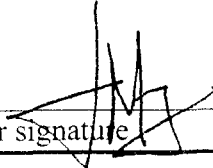
FISCAL NOTE

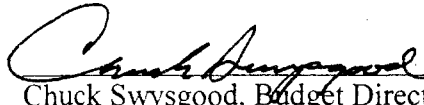
Bill #: HB0345

Title: Revise county official salaries

Primary
Sponsor: Jeff Mangan

Status: As Introduced

Sponsor signature  Date 1/27/09

 Date 1/26/09
Chuck Swysgood, Budget Director

Fiscal Summary

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
Expenditures:	0	0
Revenue:	0	0
Net Impact on General Fund Balance:	\$0	\$0

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There is no fiscal impact to the counties. Current law provides authority to the counties to provide cost of living adjustments to county officers; this legislation changes the computation method used.

HB 345

17

- HB 345** SPONSOR: Mangan, Jeff SHORT TITLE: Revise county official salaries
REFERRED ON: 01/18/2001 HEARD ON: 02/06/2001
EXECUTIVE ACTION: 02/15/2001 - Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION: 05/01/2001 Chapter Number Assigned
-
- HB 356** SPONSOR: Raser, Holly SHORT TITLE: Eliminate petition to disapprove annexation -- require vote
REFERRED ON: 01/31/2001 HEARD ON: 02/08/2001
TABLED ON: 02/09/2001
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal
-
- HB 371** SPONSOR: Lee, Michelle SHORT TITLE: Include sidewalk improvement in street maintenance district
REFERRED ON: 01/23/2001 HEARD ON: 02/15/2001
EXECUTIVE ACTION: 02/16/2001 - Bill Passed -- VOTE: 12 - 6
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal
-
- HB 404** SPONSOR: Wanzenried, David SHORT TITLE: Allow vote on annexation of surrounded land
REFERRED ON: 01/26/2001 HEARD ON: 02/08/2001
TABLED ON: 02/09/2001
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal
-
- HB 408** SPONSOR: Schmidt, Trudi SHORT TITLE: Clarify law on obstruction of county roads
REFERRED ON: 01/26/2001
FINAL DISPOSITION: 04/16/2001 Chapter Number Assigned
-
- HB 409** SPONSOR: Peterson, Art SHORT TITLE: Exempt local government health benefit plans from levy cap
REFERRED ON: 01/26/2001 HEARD ON: 02/06/2001
EXECUTIVE ACTION: 02/14/2001 - Bill Passed -- VOTE: 15 - 3
FINAL DISPOSITION: 05/01/2001 Chapter Number Assigned
-
- HB 423** SPONSOR: Dell, Tom SHORT TITLE: Road transfer consideration prior to abandonment
REFERRED ON: 01/27/2001 HEARD ON: 02/15/2001
EXECUTIVE ACTION: 02/17/2001 - Bill Passed as Amended -- VOTE: 11 - 7
FINAL DISPOSITION: 02/23/2001 (H) Missed Deadline for General Bill Transmittal
-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on February 6, 2001 at
3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)

Members Excused: Rep. Cindy Younkin (R)

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 409, HB 345, 2/06/01
Executive Action:

our colleagues in local and state governments the message presented here today. {Tape : 1; Side : B; Approx. Time Counter : 0.5 - 8.9}

HEARING ON HB 345

Sponsor: Rep Jeff Mangan, HD 45, Great Falls

Proponents: Representative Sylvia Bookout-Reinicke, HD 71,
Alberton
Harold Bye, Stillwater County Commissioner
Gary Felstad, MACO chair
Dan Watson, Rosebud County Commissioner
Alan Underdal, Toole County Commissioner
Vic Miller, Blaine County Commissioner
Jim Stelling, Cascade County
Kathy McGowen, Mt. Sheriff and Peace Officers
Bill Kennedy, Yellowstone County
Frank Nelson, Madison County Commissioner
Mike Murray, Lewis and Clark County Commissioner
John Vincent, Gallatin County Commissioner
Nancy Sweeny, Lewis and Clark, Clerk of District
Courts
Robert Throssell, Montana Magistrate
Jennifer Smith-Mitchell, Gallatin County Commissioner
Carolyn Loendorf, Lewis and Clark County Commissioners
Dennis Paxinos, Yellowstone County Commissioner
Gordon Morris, MACO

Opponents: none

Opening Statement by Sponsor:

Rep. Mangan, HD 45, Great Falls, stated the bill provides counties with the cost of living adjustments to county officers with legislation changes or computation method use(see fiscal note). The bill simplifies the process of complex calculations. It also creates a county compensation board consisting of local elected officials providing them with cost of living increases. The county commissioners would like final authority to decide on salary increases. It takes the authority away from the legislature, and places it where it belongs at the local level. EXHIBIT(2) {Tape : 1; Side : B; Approx. Time Counter : 8.9 - 14.8}

Proponents' Testimony:

Rep. Sylvia Bookout-Reinicke, HD 71, said we have worked very hard to get highway patrolmen a raise, and they only got 9%. My

constituents complained that we don't have enough sheriffs, resulting in an unsteady workforce. I can guarantee that everyone of you can pay for local control, so I urge you to support this bill.{Tape : 1; Side : B; Approx. Time Counter : 14.8 - 16}

Harold Bye, Stillwater County Commissioner, stated that the council of county officials met many times to look at plans in other states. The results are on the exhibit. On a nationwide basis, a significant number of states do recognize compensation for methodology. The bill has some very important concepts in it, one being simplicity. It will make the decision a local issue, supplying us with the ability in counties to remain competitive in our local market place. We have incredible problems trying to maintain our employee numbers, because of the wages we pay. EXHIBIT(3){Tape : 1; Side : B; Approx. Time Counter : 16 - 19.6}

Gary Felstad, MACO chair, stated it has been more difficult for the urban counties and private sector to maintain their employees and would encourage your support on this bill.{Tape : 1; Side : B; Approx. Time Counter : 19.6 - 20.6}

Dan Watson, Rosebud County Commissioner, said that the problem we have is competition with other public entities in the private sector and would encourage you to consider this bill.{Tape : 1; Side : B; Approx. Time Counter : 20.6 - 21.6}

Alan Underdal, Toole County Commissioner, stated that the bill provides simplification and allows the counties who need flexibility to be able to handle it. It takes the legislature out of the business of managing county officials. {Tape : 1; Side : B; Approx. Time Counter : 21.6 - 23.6}

Vic Miller, Blaine County Commissioner, said the bill allows counties that are experiencing trouble with funding local officials to do so. Blaine County is in support of the bill.{Tape : 1; Side : B; Approx. Time Counter : 23.6 - 24.2}

Tom Stelling, Cascade County, said the bill is needed for the counties. They need a private sector involved with the decision making. {Tape : 1; Side : B; Approx. Time Counter : 24.2 - 25.7}

Kathy McGowen, Mt. Sheriff and Peace Officers, said that this bill would be our top priority. If we can't have good support for our public officials, it will have a negative aspect on our government.{Tape : 1; Side : B; Approx. Time Counter : 25.7 - 30}

Bill Kennedy, Yellowstone County, said Yellowstone County has always had options to increase salaries. During the past few years

we also went back to using a study commission, to make recommendations on salaries for elected officials. This is not a new idea but would be helpful.{Tape : 2; Side : A; Approx. Time Counter : 0 - 3.8}

Frank Nelson, Madison County Commissioner, said the local elected officials are directly responsible to the local people. One part of the bill I particularly favor is the cost of living adjustments. Madison County supports this bill.{Tape : 2; Side : A; Approx. Time Counter : 3.8 - 4.2}

Mike Murray, Lewis and Clark County Commissioner, said this bill will allow us to potentially pay a fair wage to elected officials in Lewis and Clark County for the services they are providing. The salary commissions will give us the abilities to appoint, and returns local control to the local community for a salary commission. {Tape : 2; Side : A; Approx. Time Counter : 4.2 - 4.6}

John Vincent, Gallatin County Commissioner, stated the importance of accountability within the bill. We are held accountable for those votes by our constituents back home. When we are talking about the compensation board that's called for in HB 345 we are essentially asking for the same treatment at the county commission level. Both public scrutiny and accountability are important within the bill.{Tape : 2; Side : A; Approx. Time Counter : 4.6 - 6}

Nancy Sweeny, Lewis and Clark, Clerk of Courts, said the clerks of district courts urges you to vote do pass on this bill. This reduces the complexity of the rules which sets our salaries, one of the first tasks I confronted with was to figure out my salary. I was faced with having to trust the clerk to calculate my salary. This is where trust plays a main factor.{Tape : 2; Side : A; Approx. Time Counter : 6 - 9.5}

Robert Throssell, Montana Magistrate, said they were willing to participate in the process and encourage local control.{Tape : 2; Side : A; Approx. Time Counter : 9.5 - 10.3}

Jennifer Smith-Mitchell, Gallatin County Commissioner, said she urges support of the bill, for all the reasons that have been previously mentioned. In two years of my six year term, I have seen a lot of poor department heads, including two elected officials.{Tape : 2; Side : A; Approx. Time Counter : 10.3 - 11.2}

Carolyn Loendorf, Lewis and Clark County Commissioners, stated the hours we contribute to our jobs are great. We need someone who is

qualified in these types of jobs. I urge you to vote for this bill.{Tape : 2; Side : A; Approx. Time Counter : 11.2 - 13}

Dennis Paxinos, Yellowstone County Commissioner, said we should allow local government to take responsibility to determine the standard of pay given.{Tape : 2; Side : A; Approx. Time Counter : 13 - 13.7}

Gordon Morris, MACO, said the salary calculation sheet is an excerpt out of our newsletter, an article put in the letter every June, so that county officials across the state will be reminded as to how they have to go about the complicated calculation to get the salary for the year. I want to reinforce the idea if this bill passes it will do something to this committee's desires, and will remove us from this bill. We aren't talking about county elected officials only, this bill affects nearly every county employee.{Tape : 2; Side : A; Approx. Time Counter : 13.7 - 16}

Opponents' Testimony: none

Questions from Committee Members and Responses:

Rep. Esp asked if the commissioner intent was to give the public another opportunity to express their input to the elected officials. **Mr. Vincent** replied that it certainly would. I don't think the bill calls for that. We have planning board meetings that could possibly hear the bill again, but may string it out. It would depend on the public attendance at the meetings; they would be hearings, not just meetings.

Rep. Anderson asked if all county employees' positions are based on a percentage of their supervisors' salaries. **Mr. Morris** replied all deputy salaries are the same. Non-deputy staff salary varies.

Rep. Laible asked if we are trying to get back local control in the salaries of county employees, and by virtue of this bill the counties by their permission are going to be able to come up with new salaries. If they do, we have given them the choice to raise mill levies if they decide to do that. I see you are mixing it up with an ordinance, because you are talking about the clerk and recorder being 2,000 dollars less than the County Commissioner. The officers have salaries as opposed to a trickle down, complicating it by setting increases on the statute. If you want to have local control, why are you adding the increases? **Mr. Morris** replied that they are entitled to an increase in salary of 1,000 dollars. You are setting the statutes of how the raises are going to be rather than letting the county commissioner do this. **Rep. Laible** said that you are referring to current law, and that the

longevity is placed in current law. All we are doing in terms of the county attorney is taking out the complicated CPI adjustments.

Mr. Morris said we are going to get a salary adjustment with this bill under current law. **Rep. Laible** asked why they didn't adjust the sections and give authority to the county commissioners rather than putting into statute. **Mr. Morris** replied that they have already tried that and need to begin with this step. **Rep. Laible** asked if they had any input from the chief probation officers when they were drafting this language. **Mr. Morris** replied that we invited everyone in the counsel to be at the table to discuss it.

Rep. Peterson asked if it is designed to give anyone a raise. **Mr. Morris** replied that you might assume that, but instead it gives everyone the ability to give a raise based on what they deem appropriate. Not everyone will get a raise as a result of this bill. **Rep. Peterson** asked if over a certain period of time, you think one county will have to pay more than another county. **Mr. Morris** said that is absolutely correct. There are counties that would prefer the statute to be as it is right now, because it makes it simple on the idea that they don't have to make those kinds of decisions. This will be tough; there are counties out there that like it as it is now. It would be wiser to give it back to local control so they wouldn't have to go through constituents to tell their legislatures how to deal with it.

Rep. Laslovich asked if they could clarify how it would help all counties. **Mr. Morris** replied that if you take a look at the sections of each job, you will find the percentages in title 7 for deputies, etc... We aren't doing anything to those percentages, but I assure you they are there.

Rep. Jacobson asked if the handout indicates that Montana is the only state that deals with salaries for local officials. Are there other states contemplating returning to the model we used, but wasn't satisfactory to the current system used today. **Mr. Morris** believes that they aren't looking at our current model. {Tape : 2; Side : A; Approx. Time Counter : 16 - 30}{Tape : 2; Side : B; Approx. Time Counter : 0 - 13.9}

Closing by Sponsor:

Rep. Mangan wanted to emphasize trust. We need to take trust into consideration when we talk about if we are really committed to the concept of local control. We need to stop playing this little mind game with each other. This bill is one step towards that goal. The County Compensation Board is key to this issue, locally elected officials will be getting together to discuss this issue. They are

HOUSE COMMITTEE ON LOCAL GOVERNMENT

February 6, 2001

PAGE 11 of 12

responsible for each of their departments as is this committee here. You would get county commissioner input as well as public input, which gives it stronger local control. {Tape : 2; Side : B; Approx. Time Counter : 13.9 - 15.2}

ADJOURNMENT

Adjournment: 6:10 P.M.

REP. MARK NOENNIG, Chairman

PATI O'REILLY, Secretary

MN/PO

EXHIBIT(loh30aad)

**HOUSE OF REPRESENTATIVE
ROLL CALL**

LOCAL GOVERNMENT COMMITTEE

DATE 2/6/01

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. MARK NOENNIG, CHAIR	X		
REP. ROD BITNEY V.C. MAJORITY	X		
REP. JEFF MANGAN, V C .MINORITY	X		
REP. JOAN ANDERSEN	X		
REP. LARRY CYR	X		
REP. D. HEMMELBERGER	X		
REP. RICK LAIBLE	X		
REP. BOB LAWSON	X		
REP. BRAD NEWMAN	X		
REP. BILL PRICE	X		
REP. JAMES WHITAKER	X		
REP. JOHN ESP	X		
REP. CINDY YOUNKIN			X
REP. EILEEN CARNEY	X		
REP. HAL JACOBSON	X		
REP. JESSE LASLOVICH	X		
REP. MICHELLE LEE	X		
REP. KEN PETERSON	X		

EXHIBIT 2
DATE 3/6/01
HB 345

BH 2

EXHIBIT _____
DATE _____
SB _____

Salary Calculations

The University of Montana Bureau of Business and Economic Research has announced that the cost of living adjustment for county officials' salaries for fiscal year 2001 is 2.2 percent.

To set next year's salaries:

- Apply the 2.2 CPI increase to the county base (\$25,000 or \$18,000 plus \$10 per hundred population);
- Then add the dollar value of the FY 2000 CPI (1.6%), FY 99 CPI (2.3%), FY 98 CPI (3.0%), FY 97 CPI (2.8%), FY 96 CPI (2.5%), FY 95 CPI (3.0%), FY 94 CPI (3.0%), and FY 93 CPI (4.2%) to the result.
- If you have set your base salary at less than 100%, first apply that percentage against the base and then follow the steps outlined above.

Counties are reminded that Section 7-4-2502(2)(a) requires counties to report the county attorney's salary to the Department of Justice in a timely fashion. Counties must inform the department whether their county attorney will be full-time or part-time for the next biennium.

Table 3
COMPARISON OF STATUTORY COMPENSATION AUTHORITY AND METHODOLOGY

COMPENSATION POLICIES	COLORADO	IDAHO	MONTANA	NORTH DAKOTA	SOUTH DAKOTA	UTAH	WYOMING
Authority to Set County Officials Salaries	Salaries of elected county officials set by the state legislature based upon county classification. Home rule counties set their own compensation rates. (30-2-102, C.R.S.)	Delegated by the legislature to the boards of county commissioners. (31-3-1006, I.C.)	Salaries of elected county officials set by the state legislature based upon position, county classification and population. (7-4-2501, M.C.A. et seq.)	Delegated by the legislature to the boards of county commissioners with minimum county officer salary levels set by the legislature. (11-10-10, N.D.C.C.)	Delegated by the legislature to the boards of county commissioners with minimum salaries for elected county officers set by the legislature. (7-7-5 & 7-7-9, SDCS)	Delegated by the legislature to the boards of county commissioners. (17-16-14, U.C.)	Delegated by the legislature to the boards of county commissioners with minimum and maximum salaries for elected county officers set by the legislature. (18-38-3-107, W.S.)
Salary Limits Established by State Legislature	Elected official salaries are fixed based upon one of five county classifications (categories) and the elected office.	No statutory limit imposed by the legislature on elected county official salaries.	Elected official salaries are fixed based upon one of seven county classifications and the elected office.	Minimum salaries for elected county officers established by the legislature for two classes of counties based upon population.	Minimum salaries for elected county officers established by the legislature based upon county population.	No statutory limit imposed by the legislature on elected county official salaries.	Minimum and maximum salaries established by the legislature. Commissioners may not be paid more than the lowest paid elected county officer in the same county.
Complexity of Compensation Policy Detail in the Implementing Statutes	Moderate complexity because of categorization of counties.	Simple delegation of authority to county commissions.	Extremely complex because salaries are based upon county classification, position, longevity, and cost of living adjustments.	Moderate complexity because of differentiation of minimum salaries by position and population.	Moderate complexity because of differentiation of minimum salaries by position and population.	Simple delegation of authority to county commissions.	Simple delegation of authority to county commissions with minimum and maximum salary levels.

Utah Code

Title 17 - Counties
Chapter 16 - County Officers

17-16-14. Salaries of county officers. The annual salaries of the officers of all counties in the state shall be fixed by the respective county legislative bodies, provided no changes shall be made in existing salaries of county officers until the county legislative body in a county desiring to change existing salaries of county officers shall first hold a public hearing at which all interested persons shall be given an opportunity to be heard.

IDAHO STATUTES

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 31
SALARIES OF OFFICERS 3

31-3106. SALARIES OF COUNTY OFFICERS. It shall be the duty of the board of county commissioners of each county, through the county budget process, is, as detailed in chapter 16, title 31, Idaho Code, to fix the annual salaries of the several county officers as of and from October 1 for the next ensuing year.

The following exhibit
exceeds 10 pages.

Exhibit 4

2.6.01

HB ~~395~~ 345

The complete exhibit is located with the
minutes are at the
Montana Historical Society Archives
225 North Roberts
Helena, Mt 59620-1202
(406) 444-4775

**MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER**

DATE 2-6-01

BILL NO. HB 345

SPONSOR(S) Mangan

TYPE
PROPOSER (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
☒ POI	Rep. Sylvia Bookout-Reinicke		
☒ POI	Rep. DENNIS McCALL	Billings, MT	Yellowstone County S.O.
☒ POI	Sheriff Chuck Maxwell	Billings, MT	MSPOA
☒ POI	Rep. R. D. Bunker	Billings, MT	Yellowstone County
☒ POI	Robert Throssell	Helena	Montana Horsemen's Assoc.
☒ POI	Robert Throssell	Helena	MT Candy Treasures Assoc.
☒ POI	Robert Throssell	Helena	MT Assoc. Clerk Records
☒ POI	Karolin J. Langford	Helena	L & C County
☒ POI	Bill Kennedy	Billings	Yellowstone Co.
☒ POI	Mike McElroy	Helena	L & C County
☒ POI	Dennis Paxinos	Biss	YC
☐ POI			
☐ POI			
☐ POI			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

S:\visitor register.frm

DATE 2-6-01

House
SENATE COMMITTEE ON ~~SB~~ Local Government

BILLS BEING HEARD TODAY: HB 345

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	UP/USE
Hatchy McGowan	443-5669	Mt. Shuylkill Peace.	345	✓	
Mary "Marty" Phippen	449-5106	HH. Assn. Clerks of Dist Ct	345	✓	
Jennifer Smith Mitchell	582-3000	Gallatin Co. Comm	345	✓	
John Vincent	582-3000	Gallatin Co. Comm	345		
Tom Slatby	454-6815	Cascade Co Comm	345	✓	
Vic Miller	352-3250	BLAINE County	345	✓	
Dean Harmon	653-6246	Mt. Hood & Ross Co.	345	✓	
Gary Fjellstad	356-2251	MACO	345	✓	
D. Kaul	727-0542	CASCADE COUNCIL		✓	
Nancy Sweeney	447-8215	L.C. Co. Clerk Dist Court	345	✓	
R. Matthews	233-3326	CUSTER COUNTY — IT	345/409	✓	
Gordon Morris		MACO	345/409	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on February 8, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Rod Bitney (R)

Members Absent: Rep. Michelle Lee (D)

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 289, HB 356, HB 404, HB 453
2/3/01

Executive Action: None

Alex Hanson, League of Cities and Towns. We oppose this bill for all the previous reasons. {Tape : 3; Side : A; Approx. Time Counter : 6.7 - 8.6}

Joe Mazurek, City of Great Falls. Great Falls opposes this bill, especially the portion changing the current 50% to 25% of the voters. {Tape : Three; Side : A; Approx. Time Counter : 9.1 - 10.8}

Jim Nugent, Missoula County Attorney, This bill is not necessary. The current laws are adequate (he read the current statutes). {Tape : 3; Side : A; Approx. Time Counter : 10.8 - 11.5}

Questions from Committee Members and Responses: Rep. Peterson; Rep. Wanzenried, was the last study of annexation laws in 1977? What has changed with annexation problems since that time? Rep. Wanzenried: Yes, last study was done in 1977, however, the 1997 legislature attempted to do some clean up of the annexation laws. They presented the bills separately with several pieces of legislation, instead of addressing the entire annexation issue. The individual bills got lost in the shuffle and none of the bills were passed. {Tape : Three; Side : A; Approx. Time Counter : 11.5 - 13.5}

Closing by Sponsor: Rep. Wanzenried closed with a summary of the comments. {Tape : 3; Side : A; Approx. Time Counter : 13.5 - 15.7}

EXECUTIVE ACTION ON HB 62

Motion/Vote: REP. CARNEY moved that HB 62 DO PASS. Motion carried 12-6 with Anderson, Peterson, Esp, Himmelberger, Lawson, and Whitaker voting no. {Tape : 3; Side : A; Approx. Time Counter : 15.7 - 22.8}

EXECUTIVE ACTION ON HB 345

Motion: REP. MANGAN moved that HB 345 DO PASS.

Discussion: Rep. Esp expressed concern with the make up of the board. Rep. Mangan, the county commissioners will meet with the other board members to approve any pay raises. If the voters are unhappy with the pay raises they have the option of not reelecting the commissioners.

Motion/Vote: REP. ESP moved that HB 345 BE AMENDED (conceptual). This amendment will add two additional resident taxpayers. Motion carried 16-2 with Peterson and Yunkin voting no.

Motion: REP. MANGAN moved that HB 345 DO PASS AS AMENDED.

Motion: REP. PETERSON moved that HB 345 BE AMENDED (conceptual). Wants to limit the number of people who set the salaries. A board made up of five people appointed by the county commissioners, three county commissions and county attorney is not a good combination. In fact, this is the fox guarding the henhouse.

Discussion: There was discussion on the make up of the Board. This Board sets the salaries for themselves and other employees. Several committee members expressed the need to appoint some resident members.

Rep. Newman stated this bill could be a conflict of interest for him, as it dealt with his pay raises. Eddy McClure determined that Newman could vote on the bill as it was not a direct conflict. Rep. Newman made a decision to not vote on this bill in committee.

Rep. Esp understands the Peterson amendment would replace his amendment if it is passed.

Motion/Vote: REP. PETERSON moved that HB 345 BE AMENDED. Motion failed 8-8 with Andersen, Carney, Cyr, Jacobson, Laslovich, Lawson, Lee, and Mangan voting no. Rep. Bitney was excused-did not vote. Rep. Newman abstained from voting.

Motion/Vote: REP. ESP moved that HB 345 BE AMENDED. Motion carried 16-1. Rep. Newman did not vote.

Motion: REP. MANGAN moved that HB 345 DO PASS AS AMENDED.

Discussion: Committee discussed the conflict this bill has with Rep. Peterson's bill and HB 124.

Motion/Vote: REP. WHITAKER moved that HB 345 BE TABLED. Motion failed 9-9 with Bitney, Esp, Himmelberger, Laible, Lawson, Noennig, Peterson, Whitaker, and Yunkin voting yes.

Motion/Vote: REP. YOUNKIN moved that HB 345 DO PASS AS AMENDED. Motion failed 9-9. Bitney, Esp, Himmelberger, Laible, Lawson, Noennig, Peterson, Whitaker, and Yunkin voting no.

Substitute Motion/Vote: REP. YOUNKIN made a substitute motion HB 345 action be postponed. Substitute motion carried 14-2 with Newman

and Price voting no. {Tape : 3; Side : A; Approx. Time Counter : 22.8 - 30} {Tape : 4; Side : A; Approx. Time Counter : 0 - 12.9}

EXECUTIVE ACTION ON HB 409

Motion: REP. LASLOVICH moved that HB 409 DO PASS.

Motion: REP. ESP moved that HB 409 BE AMENDED.

Motion: REP. ESP withdrew his motion that HB 409 BE AMENDED.

Motion/Vote: REP. LASLOVICH moved that HB 409 DO PASS. Motion failed 9-9 with Carney, Cyr, Jacobson, Laslovich, Lawson, Lee, Mangan, Newman, and Price voting aye.

Motion/Vote: REP. LAWSON moved that HB 345 BE POSTPONED. Motion carried unanimously. {Tape : 4; Side : A; Approx. Time Counter : 12.9 - 23}

EXECUTIVE ACTION ON HB 289, HB 356, HB 404, HB 453

Motion/Vote: REP. CARNEY moved that HB 289 BE TABLED. Motion carried 17-1 with Bitney voting no.

Motion/Vote: REP. CARNEY moved that HB 356 BE TABLED. Motion carried 16-2 with Esp and Younkin voting no.

Motion/Vote: REP. CARNEY moved that HB 404 BE TABLED. Motion carried 17-1 with Younkin voting no.

Motion/Vote: REP. CARNEY moved that HB 453 BE TABLED. Motion carried unanimously. {Tape : 4; Side : A; Approx. Time Counter : 23 - 28.1}

HOUSE OF REPRESENTATIVE ROLL CALL

LOCAL GOVERNMENT COMMITTEE

DATE 2/8/01

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. MARK NOENNIG, CHAIR	X		
REP. ROD BITNEY V.C. MAJORITY			X
REP. JEFF MANGAN, V C .MINORITY	X		X
REP. JOAN ANDERSEN	X		
REP. LARRY CYR	X		
REP. D.HEMMELBERGER	X		
REP. RICK LAIBLE	X		
REP. BOB LAWSON	X		
REP. BRAD NEWMAN	X		
REP. BILL PRICE	X		
REP. JAMES WHITAKER	X		
REP. JOHN ESP	X		
REP. CINDY YOUNKIN	X		
REP. EILEEN CARNEY	X		
REP. HAL JACOBSON	X		
REP. JESSE LASLOVICH	X		
REP. MICHELLE LEE		X	
REP. KEN PETERSON	X		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE

DATE 2/8/01 Bill NO. OB 345 NUMBER _____
 MOTION: Peterson amendment 8-8 failed

Name	AYE	NO
REP. MARK NOENNIG	X	
REP. ROD BITNEY, V C MAJORITY	—	—
REP. JEFF MANGAN, V C MINORITY		X
REP. JOAN ANDERSON		X
REP. LARRY CYR		X
REP. DENNIS HIMMELBERGER	X	
REP. RICK LAIBLE	X	
REP. BOB LAWSON		X
REP. JAMES WHITAKER	X	
REP. JOHN ESP	X	
REP. BRAD NEWMAN	<i>Defers</i>	
REP. JESSE LASLOVICH		X
REP. HAL JACOBSON		X
REP. CINDY YOUNKIN	X	
REP. BILL PRICE	X	
REP. KEN PETERSON	X	
REP. EILEEN CARNEY		X
REP. MICHELLE LEE		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE

DATE 2/8/01 Bill NO. 345 NUMBER _____

MOTION: Carney do pass as amended

9-9

Name	AYE	NO
REP. MARK NOENNIG		X
REP. ROD BITNEY, V C MAJORITY		X
REP. JEFF MANGAN, V C MINORITY	X	
REP. JOAN ANDERSON	X	
REP. LARRY CYR	X	
REP. DENNIS HIMMELBERGER		X
REP. RICK LAIBLE		X
REP. BOB LAWSON		X
REP. JAMES WHITAKER		X
REP. JOHN ESP		X
REP. BRAD NEWMAN	X	
REP. JESSE LASLOVICH	X	
REP. HAL JACOBSON	X	
REP. CINDY YOUNKIN		X
REP. BILL PRICE	X	
REP. KEN PETERSON		X
REP. EILEEN CARNEY	X	
REP. MICHELLE LEE	X	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE

DATE 2/8/01 Bill NO. 345 NUMBER _____

MOTION: It Relates to Table ~~9-9~~ 9-9

Name	AYE	NO
REP. MARK NOENNIG	X	
REP. ROD BITNEY, V C MAJORITY	X	
REP. JEFF MANGAN, V C MINORITY		X
REP. JOAN ANDERSON		X
REP. LARRY CYR		X
REP. DENNIS HIMMELBERGER	X	
REP. RICK LAIBLE	X	
REP. BOB LAWSON	X	
REP. JAMES WHITAKER	X	
REP. JOHN ESP	X	
REP. BRAD NEWMAN		X
REP. JESSE LASLOVICH		X
REP. HAL JACOBSON		X
REP. CINDY YOUNKIN	X	
REP. BILL PRICE		X
REP. KEN PETERSON	X	
REP. EILEEN CARNEY		X
REP. MICHELLE LEE		X

COMMITTEE PROXY

DATE 2/8/01

I request to be excused from the HOUSE LOCAL GOVERNMENT

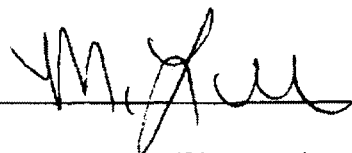
Committee meeting this date because of other commitments. I desire to leave my proxy vote with JEFF MANLAN

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB 62	AYE	
HB 345 Amend 1	AYE	
Amend II (Interim)		NO
TAMLE		NO
DO QMS 113345	AYE	
H B 409	Aye	
H B 289	Aye	
H B 356	Aye	
H B 404	Aye	
H B 453	Aye	

Rep. 
(Signature)

COMMITTEE ABSENTEE BALLOT

Date: 2-8-01

I hereby authorize Rep. NOENNING

to cast my vote(s) as follows:

Representative

Rad B. Huey

62 Y
345 N
356 N
404 N
409 N
453 N
289 Y

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By CHAIRMAN MARK NOENNIG, on February 13, 2001 at
3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 469, HB 470, HB 275,
2/19/2001

Executive Action: HB 285, HB 469, HB 275, HB
345, HB 409

Motion/Vote: REP. WHITAKER moved that HB 275 BE TABLED. Motion carried 13-5 with Laslovich, Mangan, Price, Peterson and Lee voting no. {Tape : 3; Side : A; Approx. Time Counter : 13 - 16.4}

EXECUTIVE ACTION ON HB 345

Motion: REP. MANGAN moved that HB 345 DO PASS. {Tape : 3; Side : A; Approx. Time Counter : 16.4 - 17.5}

Motion/Vote: REP. MANGAN moved that HB 345 BE AMENDED. EXHIBIT(4) Motion carried unanimously. {Tape : 3; Side : A; Approx. Time Counter : 17.5 - 30} {Tape : 3; Side : B; Approx. Time Counter : 0 - 5.6}

Motion/Vote: REP. MANGAN moved that HB 345 DO PASS AS AMENDED. Motion carried unanimously. {Tape : 3; Side : B; Approx. Time Counter : 5.6 - 8.7}

EXECUTIVE ACTION ON HB 409

Motion/Vote: REP. MANGAN moved that HB 409 DO PASS. Motion carried 15-3 with Himmelberger, Liable, and Esp voting no.

Amendments to House Bill No. 345
1st Reading Copy

Ed 4
2/13/0
DB 345

Requested by Representative Jeff Mangan

For the House Local Government Committee

Prepared by Eddye McClure
February 13, 2001 (12:10PM)

1. Title, page 1, line 10.

Strike: "15-10-420,"

2. Page 5, line 4.

Following: "commissioners."

Insert: "three of"

3. Page 5, line 5.

Following: "(1)."

Strike: "and"

Following: "attorney"

Insert: ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

4. Page 7, line 27.

Following: "commissioners."

Insert: "three of"

5. Page 7, line 28.

Following: "(1)."

Strike: "and"

Following: "attorney"

Insert: ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

6. Page 8, line 13.

Strike: "(1)"

7. Page 9, line 10 through line 12.

Strike: subsection 2 in its entirety

8. Page 10, line 2 through page 11, line 10.

Strike: section 7 in its entirety

Renumber: subsequent sections

9. Page 11, line 15.

Following: the first "year"

Strike: "and may not be higher than \$29,000 a year"

- END -

HOUSE OF REPRESENTATIVE ROLL CALL

LOCAL GOVERNMENT COMMITTEE

DATE 2/13/01

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. MARK NOENNIG, CHAIR	✓		
REP. ROD BITNEY V.C. MAJORITY	✓		
REP. JEFF MANGAN, V C .MINORITY	✓		
REP. JOAN ANDERSEN	✓		
REP. LARRY CYR	✓		
REP. D.HEMMELBERGER	✓		
REP. RICK LAIBLE	✓		
REP. BOB LAWSON	✓		
REP. BRAD NEWMAN	✓		
REP. BILL PRICE	✓		
REP. JAMES WHITAKER	✓		
REP. JOHN ESP	✓		
REP. CINDY YOUNKIN	✓		
REP. EILEEN CARNEY	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH	✓		
REP. MICHELLE LEE	✓		
REP. KEN PETERSON	✓		



HOUSE STANDING COMMITTEE REPORT

February 14, 2001

Page 1 of 2

Mr. Speaker:

We, your committee on Local Government report that House Bill 345 (first reading copy - white) do pass as amended.

Signed:

Mark C. Noennig
Representative Mark Noennig, Chair

And, that such amendments read:

1. Title, page 1, line 10.

Strike: "15-10-420,"

2. Page 5, line 4.

Following: "commissioners."

Insert: "three of"

3. Page 5, line 5.

Following: "(1)"

Insert: "appointed by the board of county commissioners"

Following: "1"

Strike: "and"

Following: "attorney"

Insert: ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

4. Page 7, line 27.

Following: "commissioners."

Insert: "three of"

5. Page 7, line 28.

Following: "(1)"

Insert: "appointed by the board of county commissioners"

Following: "1"

Strike: "and"

Committee Vote:

Yes 18, No 0.

371426SC.hdc

48

Following: "attorney"

Insert: ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

6. Page 8, line 13.

Strike: "(1)"

7. Page 9, line 10 through line 12.

Strike: subsection 2 in its entirety

8. Page 10, line 2 through page 11, line 10.

Strike: section 7 in its entirety

Renumber: subsequent sections

9. Page 11, line 15.

Following: the first "year"

Strike: "and may not be higher than \$29,000 a year"

- END -

NEUMAN

COMMITTEE PROXY

DATE 2/13/07

I request to be excused from the HOUSE LOCAL GOVERNMENT

Committee meeting this date because of other commitments. I desire to leave my proxy vote with Rep. Mangen / Rep. Carney

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

~~SENATE~~ ^{HOUSE} BILL/AMENDMENT AYE NO

HB 285 AMBL	AYE	
HB 469	AYE	
HB 275 Amend Return		NO
HB 275 Amend Vankin	AYE	
HB 275		NO
HB 345 Amend 1	AYE	
HB 345	AYE	
HB 409	AYE	

Rep. [Signature]

(Signature)

2001 MONTANA LEGISLATURE - 57th Regular Session
INDEX TO BILLS IN COMMITTEE
- Committee: (S) Local Government -

- HB 179** SPONSOR: Dell, Tom SHORT TITLE: Voter mill levy advisory language
REFERRED ON: 02/06/2001 HEARD ON: 03/01/2001
EXECUTIVE ACTION: 03/07/2001 -Bill Concurred as Amended -- VOTE: 7 - 1
FINAL DISPOSITION: 05/01/2001 Chapter Number Assigned
-
- HB 190** SPONSOR: Witt, John SHORT TITLE: Revise matching fund requirement for treasure state regional water system
REFERRED ON: 02/07/2001 HEARD ON: 03/22/2001
EXECUTIVE ACTION: 03/23/2001 -Bill Concurred -- VOTE: 6 - 0
FINAL DISPOSITION: 04/13/2001 Chapter Number Assigned
-
- HB 221** SPONSOR: Witt, John SHORT TITLE: Revise statutory requirements for lease of museum of northern great plains
REFERRED ON: 01/24/2001 HEARD ON: 03/01/2001
EXECUTIVE ACTION: 03/02/2001 -Bill Concurred -- VOTE: 8 - 0
FINAL DISPOSITION: 03/21/2001 Chapter Number Assigned
-
- HB 257** SPONSOR: Younkin, Cindy SHORT TITLE: Revise procedure for payment of county claims
REFERRED ON: 02/06/2001 HEARD ON: 03/06/2001
TABLED ON: 03/07/2001
FINAL DISPOSITION: 04/26/2001 (S) Died in Standing Committee
-
- HB 298** SPONSOR: Facey, Tom SHORT TITLE: Allow local government adoption of state building codes by administrative action
REFERRED ON: 02/06/2001 HEARD ON: 03/06/2001
EXECUTIVE ACTION: 03/07/2001 -Bill Concurred -- VOTE: 8 - 0
FINAL DISPOSITION: 03/29/2001 Chapter Number Assigned
-
- HB 334** SPONSOR: Lenhart, Ralph SHORT TITLE: Revise law on type of project eligible for water pollution control funds
REFERRED ON: 03/01/2001 HEARD ON: 03/22/2001
EXECUTIVE ACTION: 03/23/2001 -Bill Concurred as Amended -- VOTE: 8 - 0
FINAL DISPOSITION: 05/01/2001 Chapter Number Assigned
-
- HB 345** SPONSOR: Mangan, Jeff SHORT TITLE: Revise county official salaries
REFERRED ON: 02/28/2001 HEARD ON: 03/15/2001
EXECUTIVE ACTION: 03/29/2001 -Bill Concurred as Amended -- VOTE: 11 - 0
FINAL DISPOSITION: 05/01/2001 Chapter Number Assigned
-

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 15, 2001 at
3:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Ken Toole (D)

Members Excused: Sen. Emily Stonington (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 345, 3/1/2001
HB 386, 3/1/2001
HB 409, 3/1/2001

Executive Action: HB 386 BC
HB 409 Subcommittee Appointed

{Tape : 1; Side : A; Approx. Time Counter : 0}

Questions from Committee Members and Responses:

SEN. DON HARGROVE's microphone was not on and the question could not be heard. **Mona Jamison** answered that it is in the code, Section 50-37-(she was not certain). This bill only applies to the legal fireworks that are already authorized during the July 4th celebration. This does not expand the kinds of fireworks that are allowed.

SEN. DUANE GRIMES questioned if local municipalities could still regulate fireworks. **Mona Jamison** stated that this bill in no way affects any authority of any local government.

Closing by Sponsor:

REP. FUCHS closed.

HEARING ON HB 345

Sponsor: **REP. JEFF MANGAN, HD 45, GREAT FALLS**

Proponents: **Harold Blattie, Stillwater County Commissioner**
Gary Fjelstad, Rosebud County, President, MT. Assoc. of Counties (MACO)
Bill Kennedy, Yellowstone County Commissioner
Dean Harmon, Roosevelt County Commissioner; 1st Vice President, MACO
Allan Underdal, Toole County Commissioner; MACO Fiscal Officer
Vern Peterson, Fergus County Commissioner
Tom Schneider, MT Public Employees Assoc. (MPEA)
Jim Smith, MT Sheriffs' & Peace Officers' Assoc.
Tom Stelling, Cascade County Commissioner
Sam Samson, Jefferson County Commissioner
Robert Throssell, MT Clerk & Recorder Assoc. and MT County Treasurers Assoc.
Mary Phippen, MT Assoc. of Clerks of District Court
Gordon Morris, Director, MACO
Jani McCall, MT County Attorney Assoc.

Opponents: **None**

Opening Statement by Sponsor: House Bill 345 is a true local control bill. The Council of County Officials (CCO) worked on the concept of the bill for two years. They worked with the Montana State University Local Government Center. They conducted

Opening Statement by Sponsor: House Bill 345 is a true local control bill. The Council of County Officials (CCO) worked on the concept of the bill for two years. They worked with the Montana State University Local Government Center. They conducted a study of how compensation is considered in comparable states in the area. Montana has the most complicated set of statutes in determining salaries for county officials. Utah and Idaho have two lines in statute and that is county salaries are set by the counties. This bill is a first step in allowing local governments to have control over their local salary structure.

The bill creates a county compensation board consisting of local officials and, as amended in the House Local Government Committee, two taxpayers would be appointed to give input on county salaries and cost of living increases. The board would conduct public hearings, consider comparable salaries in other counties, the private sector, other states and the fiscal capacity of their government to cover salaries. Based on the hearings, the county compensation board would make recommendations to the county commissioners who retain the final authority to decide on salary increases.

He handed out a statement on Salary Calculations, Under Current Law EXHIBIT(10559a01). He explained how salaries were calculated. It seemed to be quite complicated.

This bill is not a mandate to increase salaries. County officials are elected and will be held accountable at the ballot box. They won't set salaries that are not affordable. There is one amendment EXHIBIT(10559a02). One issue is about the county attorney salary. There were concerns about that salary being paid half by the county and half by the state. The amendment addresses those concerns.

Proponents' Testimony:

Harold Blattie, Stillwater County Commissioner. He served as the Chairman of the Council of County Officials (CCO). They met approximately six times. Dr. Weaver of the MSU Local Government Research Center had done studies of other studies. That is where the idea of the county compensation board came from. The burden of whether salaries will be at 80%, 90% or 100% of the allowable base with adjustments will be on the county commissioners. By bringing in other elected officials on this board as well as taxpayers, it broadens the scope of input. In Stillwater, they are in a competitive job market. They are having a difficult

time of retaining employees. This bill will let them make local decisions based upon local situations.

Gary Fjelstad, Rosebud County Commissioner; President, MACO. Their county stands in support of the bill. One issue was to allow the rural counties to have the flexibility to maintain their salaries if their economic conditions did not allow for increases. In the urban counties, they needed the flexibility to compete in the job market.

Bill Kennedy, Yellowstone County Commissioner. Yellowstone County stands in support of the bill.

Dean Harmon, Roosevelt County Commissioner; 1st Vice President, MACO. He supports HB 345. This bill in its amended form has been looked over and fixed up several times. It is fair to both the rural and urban counties.

Allan Underdal, Toole County Commissioner; MACO Fiscal Officer. He gave his testimony and handed in a written copy EXHIBIT(los59a03).

Vern Peterson, Fergus County Commissioner. They are in support of the bill. He does not see the bill as a salary increase bill, but they do want local control.

Tom Schneider, MT Public Employees Assoc. He had dealt with county salaries and how they are set for the last thirty years. This is a very good bill.

Jim Smith, MT Sheriffs' and Peace Officers' Assoc. The top three priorities for his people are mental health services, youth corrections and wages and benefits for sheriffs, deputies and detention officers. If these people were not so civic minded, they would have that order reversed.

Tom Stelling, Cascade County Commissioner. He and his fellow commissioners are in support of this bill. It is good and gives local control back to the county commissioners so they can compete in a very competitive market.

Sam Samson, Jefferson County Commissioner. On behalf of all three commissioners and all elected officials, he offered support for the bill.

Robert Throssell, MT Clerk & Records Assoc. and MT County Treasurers Assoc. The issue of local control is important to

both groups. They are elected officers in the county and they believe they should have a hand in making these decisions.

Mary Phippen, MT Assoc. of Clerks of District Court. They are in full support of the bill.

Gordon Morris, Director, MT Assoc. of Counties. MACO is in support of the bill.

Jani McCall, MT County Attorneys Assoc. They are in support of the bill.

Opponents' Testimony: None

{Tape : 1; Side : B; Approx. Time Counter : 0}

Questions from Committee Members and Responses:

SEN. CHRIS CHRISTIAENS asked if county attorneys' salaries are submitted by July 1 to the Department of Justice, would this compensation board come together and have all their work done by July 1 each year or would it have to be done in a piecemeal fashion. Gordon Morris answered that the sponsor's amendment was intended to address that. Estimates would have to be made and given to the Dept. of Justice so they can put it into their biennial budget request, House Bill 2. This would be an educated estimation as to what the adjustments would be and they would also do that in the second year of the biennium. This bill should not impact that process other than they will have to make estimates based upon what they are getting from other county attorneys across the state.

SEN. CHRISTIAENS questioned how the two resident taxpayers on the board would be compensated. Mr. Morris replied that they would be volunteers from the community.

SEN. CHRISTIAENS then asked about the salaries and expenses of the chief probation officers and other officers. REP. MANGAN had a bill that dealt with that.

SEN. CHRISTIAENS asked how that would affect this bill. Mr. Morris requested the committee to look at HB 345. It simply eliminates the cap on current language and strikes all the language that is to be struck throughout the salary section relative to the cost of living adjustments. That is consistent throughout the statutes. The passage of HB 62 would simply

replace these sections in their entirety and dictate for purposes of probation officer, deputy and others.

SEN. DON HARGROVE asked how the state is involved in setting salaries. **Mr. Morris** said the comment was intended to refer to the fact that since 1985, he had been dealing with county salaries before the legislature. In 1985, the base was increased from \$14,000 and \$18,000 to \$18,000 to \$25,000 respectively. Periodically, the counties have had to return to the legislature to increase those original bases because they don't keep up. With this bill, they won't have to do that.

SEN. HARGROVE questioned the makeup of the board. He felt it could be risky because of the responsibilities and also the opportunities. The board might have a lot of public pressure to hold things down more than they are now. **Mr. Morris** felt that the compensation board's structure gives them the authority to recommend and must include a majority of two commissioners. With the requirement of two commissioner, a veto could be used over any recommendation being made that is contrary to the interests of the county in their ability to pay, the tax circumstances, etc. It serves to bring light into the process. The commissioners are in the drivers seat and have to live with the consequences.

SEN. DUANE GRIMES stated on page 2, line 26 the county compensation board would make recommendations for salaries for county treasurer, clerk and recorder, clerk of district court, assessor, superintendent of schools, sheriff, surveyor, justice of the peace and auditor. He asked if all were paid the same as the clerk and recorder. **Mr. Morris** said all elected officials are paid based upon this statute and the bill, even as it's being offered, is the same schedule fixed to the clerk and recorder salary with certain officials receiving additional amounts, i.e. the sheriff, commissioners and superintendent of schools.

SEN. GRIMES wanted an explanation of the current law and how the bill would change it. **Mr. Morris** replied in first, second and third class counties, the salary for clerk and recorder would be \$25,000 plus \$10 for every 100 people in the county. That is the base salary. Depending on how long the clerk and recorder had been employed and what increments had been added to the salary, their salary could be higher. For fourth, fifth, sixth and seventh classes, the base is \$18,000 plus \$10 per 100 people in the county. They then had to come back periodically to the legislature to increase those figures. With this bill, they would not have to come back; the commissioners would set the

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SENATE COMMITTEE ON LOCAL GOVERNMENT

March 15, 2001

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salaries with recommendations from the compensation board. They would work off this year's salary for going ahead in the future.

SEN. GRIMES reiterated the legislature would not set the salaries; the county commissioners would be setting their own salary. **Mr. Morris** said that is correct but with recommendations of the county compensation board. It would not go to the people for a vote.

SEN. GRIMES stated that he was not sure if this bill was the right way to go. He then stated several reasons. **Mr. Morris** replied that salaries would be set across the board and there would be no deviation. They have dealt with salary adjustments since 1986, internally, either by making FTE reductions or by cutting administrative costs because they could not go outside existing revenue projections based upon the prior year. He felt that at some time down the road they might come back and ask for a different system of setting salaries.

SEN. GRIMES stated on page 5, it reads the board shall hold hearings annually. Is this for the purposes of determining salary and would this make for a mandatory increase every year. Possibly the board should meet every other year. **REP. JEFF MANGAN** offered that the bill is somewhat misnamed. The counties could have had a bill that would have wiped out the whole statute and offered one or two sentences: "Let the counties have full local control and set all county salaries." This bill is not attempting to increase salaries every year.

SEN. GRIMES asked again the reason for the annual meeting of the compensation board. **Mr. Morris** replied that budgets are fixed annually for counties on July 1 and salaries have to be determined and done by resolution annually by the commissioners so that they can be calculated into the FY 2002 budget. This is not new.

SEN. GRIMES offered that if the board did not meet annually, the commissioners could just adopt the previous year's budget and there would not be this expectation of a yearly review and increase of salaries. **Mr. Morris** referred the question to **Harold Blattie, Stillwater County Commissioner** who chaired the CCO group. **Mr. Blattie** responded that this system is what they do right now. But currently, it is only the three county commissioners who are involved. They can change the percent to 90% or 95% now. They carry the burden now for making those decisions. This bill just brings more people into the

discussion. In Stillwater County, they froze salaries for three years because the funds were simply not available.

SEN. JOHN COBB said that if the legislature gives local control, he did not understand why there were stipulations in this bill such as giving \$400 more a year to the superintendent and \$2000 to the sheriff. **Mr. Morris** said the point was well taken. The law states that all these salaries have to be uniform. The law continues that certain positions have distinctive duties that warrant some additional compensation. The law does not allow them to discriminate in terms of the row officers. From that perspective, the political dynamic would make the situation almost impossible to resolve.

SEN. COBB felt the board would be set up to review the salaries and did not need any kind of instruction from the legislature. **Mr. Morris** said that his conclusions are correct, but felt that the bill is as far as the counties should go at this time.

SEN. GRIMES asked what kind of disparities are there between elected official salaries that need to be corrected. **Sam Samson** offered that he did not see any corrections that needed to be made, but this would bring in a subjective phase concerning salaries. The sheriff is under a whole different set of rules. They have longevity and the other officials in the county do not. This makes for a complicated arena.

SEN. GRIMES asked what approach would be taken under this bill to address the inability of a county to hire and keep a sheriff because of low pay. **Mr. Samson** answered that the point of the bill is to send these decisions to the local level where they would use their own economics and social and political environment. **Mike Murray, Lewis & Clark County Commissioner**, replied that the makeup of the CCO that studied the issue for a year was made up by a representative of each of those entities. It was that collective information that brought HB 345 forth. They did not have any of those associations come and say they want the clerks to have more, etc. It was a unified approach.

SEN. GRIMES felt that if the bill passes, those elected officials will transfer their dissatisfaction from the legislature to the county commissioners. He did understand that the commissioners had the discretion of the caps. Now there would be no caps. **Mr. Murray** said they are confronted with these things now. He did not see that it would be much different.

SENATE COMMITTEE ON LOCAL GOVERNMENT

March 15, 2001

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SEN. CHRIS CHRISTIAENS asked Doug Booker, Department of Justice, to comment on the amendments. Mr. Booker said the amendment does put in the 50% level for county attorneys that is to be paid by the state and the county. When they were apprized of the bill, they were concerned because they had moved that percentage to 60% which would have required additional funding on the part of the state.

{Tape : 2; Side : A; Approx. Time Counter : 0}

SEN. COBB asked if the clerk and recorder's salary is always tied to the commissioners. Why has everything been tied to the clerk and recorder. Mr. Morris asked the committee to look on page 3, line 8-9. This is current language and HB 345 does not take it out. The term "base" has been taken out and it states clearly the "annual," which has been added, salary established last year must be uniform. These are required by law to be uniform.

Closing by Sponsor:

REP. MANGAN closed. This bill is a first step and does not ask the county compensation board to set the salary based on their own subjective ideas. Someday local governments will have that authority to set salaries based on their local economies. The process, under this bill, will be greatly simplified. The amendment on the county attorneys make the bill more acceptable to everyone.

HEARING ON HB 409

Sponsor: REP. ART PETERSON, HD 10, BILLINGS

Proponents: REP. JEFF MANGAN, HD 45, GREAT FALLS

Gary Fjelstad, Rosebud County Commissioner;
President, MACO

John Vincent, Gallatin County Commissioner

Tom Thompson, Public Works Dept., Lewis & Clark County

Mike Murray, Lewis & Clark County Commissioner

Peggy Beltrone, Cascade County Commissioner

Mark Rehbein, Richland County Commissioner

Harold Blattie, Stillwater County Commissioner

Jim Smith, MT Sheriffs' and Peace Officers' Assoc.

Vern Peterson, Fergus County Commissioner

Alec Hansen, MT League of Cities/Towns

EXECUTIVE ACTION ON HB 386

Motion/Vote: SEN. ELLIOTT moved that HB 386 BE CONCURRED IN.
Motion carried 10-0., SEN. MAHLUM will carry the bill.

EXECUTIVE ACTION ON HB 409

Motion: SEN. ELLIOTT moved HB 409.

Discussion:

SEN. BILL GLASER offered that the counties have a very difficult problem. That in turn makes it difficult for the legislature. He felt that a subcommittee should be appointed and take a good look at the whole situation.

SEN. ELLIOTT withdrew his motion.

CHAIRMAN DALE MAHLUM appointed SEN. KEN MILLER to chair the subcommittee. He appointed SEN. CHRIS CHRISTIAENS AND GLASER to round out the subcommittee. He set the date of March 22 for the subcommittee to report back to Senate Local Government.

EXECUTIVE ACTION ON HB 345

CHAIRMAN MAHLUM said the committee would wait on HB 345 to take executive action.

**MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE**

ROLL CALL

DATE _____

3-15-01

[illegible]

**Salary Calculations
Under Current Law**

The University of Montana Bureau of Business and Economic Research has announced that the cost of living adjustment for county officials' salaries for fiscal year 2001 is 2.2 percent.

To set next year's salaries:

- Apply the 2.2 CPI increase to the county base (\$25,000 or \$18,000 plus \$10 per hundred population);
- Then add the dollar value of the FY 2000 CPI (1.6%), FY 99 CPI (2.3%), FY 98 CPI (3.0%), FY 97 CPI (2.8%), FY 96 CPI (2.5%), FY 95 CPI (3.0%), FY 94 CPI (3.0%), and FY 93 CPI (4.2%) to the result.
- If you have set your base salary at less than 100%, first apply that percentage against the base and then follow the steps outlined above.

Counties are reminded that Section 7-4-2502(2)(a) requires counties to report the county attorney's salary to the Department of Justice in a timely fashion. Counties must inform the department whether their county attorney will be full-time or part-time for the next biennium.

Amendments to House Bill No. 345
3rd Reading Copy

Requested by Representative Jeff Mangan

For the Senate Local Government Committee

Prepared by Leanne Kurtz

March 14, 2001 (2:02PM)

1. Title, line 9.

Following: "RECOMMENDATION;"

Insert: "CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT
OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT
FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES;"

2. Page 3, line 27.

Following: "~~class~~"

Insert: "for a county of the first, second, or third class"

3. Page 3, line 30.

Following: "~~attorney.~~"

Insert: "A county attorney who is a part-time official for a
county of the fourth, fifth, sixth, or seventh class is
entitled to receive an annual salary equal to 50% of the
annual salary of a full-time county attorney."

4. Page 6, line 24.

Following: "~~class~~"

Insert: "for a county of the first, second, or third class"

5. Page 6, line 27.

Following: "~~attorney.~~"

Insert: "A county attorney who is a part-time official for a
county of the fourth, fifth, sixth, or seventh class is
entitled to receive an annual salary equal to 50% of the
annual salary of a full-time county attorney."

6. Page 13.

Following: line 22

Insert: "NEW SECTION. Section 9. Limit on state share of

county attorney salary. As provided in 7-4-2502(2)(a), the department of justice is not obligated to provide more than one-half of the salary of a county attorney based on the amount included in the department's budget and appropriated for that purpose."

Renumber: subsequent section

- END -

Ben Ober,
Commission Chairman
Allan Underdal,
Commissioner
Tom Gordon,
Commissioner
Merle Raph,
County Attorney
Vern L. Anderson,
Sheriff
Dan B. Whitted,
Coroner
Commissioners
Office# 406-434-5121
Email address:
tccomm@shelby.mt.us
Fax# 406-434-2467



COUNTY OF TOOLE

226 1ST Street South
Toole County Courthouse, Shelby, MT 59474

Mary Ann Harwood,
Clerk & Recorder
Sandra Peers,
Clerk of Court
Teri Ruff,
Treasurer/Assessor

Supt. of Schools
Corrine Merhar,
Public Administrator
Janice Freeland,
Justice of the Peace
Clerk & Recorders
Office# 406-434-2232
Email address:
clerk@shelby.mt.us

Senate Local Govt. Comm.
Exhibit No. 3
Date 3-15-01
Bill No. HB 345

TO: Senate Local Government Committee - Dale Mahlum, Chair

FROM: Allan Underdal - Toole County Commissioner and MACo
Fiscal Officer

DATE: March 15, 2001

SUBJECT: HB 345

We would like to take this opportunity to endorse **HB345**. This is very important legislation to county government. It will simplify many of the confusing elements of computing county payrolls from year to year. It also allows counties to be more competitive in salaries according to the situation in their area. We believe that local control is very important in these areas in order to solve the problems we face in a timely manner. We would appreciate your support of this bill.

Respectfully yours,

Allan Underdal
Allan Underdal

Ben Ober
Tom Gordon

DATE 3-15-01

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 386, HB 345
HB 409

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
L HAROLD Blathro	372-8010	Stillwater Co	345 409	✓ ✓	
Allan Underdal	434- ⁵¹²¹ 5913	Toole Co - MACo	345 409	✓ ✓	
Blaine Martin	586- ⁽⁴⁰⁶⁾ 1901	R+S Marketing	# HB 386	✓	
Tim Burton	447-8401	CITY OF Helena	HB 409	✓	
Ron Alles	447-8311	L & C County	HB 409 HB 345	✓ ✓	
ROBERT THROSSALL	442-0230	MT Clerk & Records Assn MT County Treasurers Assn	HB 409 HB 345	✓ ✓	
Tom Stelling	454-6815	Cascade Co	HB 409 HB 345	✓ ✓	
Terry Moltzan	585-9050	Independent Fireworks	HB 386	✓	
Mayle Morris	454-6810	CASCADE Co. Commission	HB 409 HB 345	✓	
John Vincent	582-3600	Phillips Co. Commission	HB 409	✓	
Peggy Beltrone	454- ⁶⁸¹⁴ 6814	Cascade Co.	HB 409 HB 345	✓	
Melo Murray	447-8304	L & C County	HB 409 HB 345	✓	
Kathy McGowan	443-5669	mt sheriffs & Peace Off	HB 409 HB 345	✓	

Mary Whittey 442-4511 Mt. Foreman HB 409 ✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-15-01SENATE COMMITTEE ON Local GovernmentBILLS BEING HEARD TODAY: HB 386, 345, 409

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
<i>Tom Thompson</i>	442-4600	MAPOA	HB 345 409	✓ ✓	
Tom Thompson	447-1631	Lewis & Clark County	409	✓	
Charles Brock	698-2580	1st News for a Rain	HB 345 HB 409	✓	
Mary Phippen	449-5106	Mt. Assn. of Ctrks & Dist. Ct.	HB 345 HB 409	✓	
Vern Peterson	538-5119	Fergus County	HB 409 HB 345	✓	
Mona Jamison	442-5581	Hell Creek City	HB 345 409	✓	
Mona Jamison	442-5581	Rt S Market	HB 386	✓	
Darryl Fjellstad	356-2251	Rosebud Co. / MACO	345 409	✓	
Robert Herman	653-6246	Rosebud Co. & MACO	409 345	✓ ✓	
Janette Kunda	388-1955	WildCryte Fireworks	HB 386	✓	
Kitty Krohne	222-8025	THE LAST STAND FIREWORKS	HB 386	✓	
Mike Maeder	452-1776	LIBERTY FIREWORKS	HB 386	✓	
Dorinda Murre		MACO	345 409	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE

3-15-01

SENATE COMMITTEE ON

Local Government

BILLS BEING HEARD TODAY:

HB 368, HB 345

HB 409

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Merk Rehbein	771-3328	Richland County	409	✓	
Karol J. Speedell	449 8302	Lewis & Clark Co.	³⁴⁵ 409	XX	
Sam Hanson	225-4025	Jefferson County	³⁴⁵ 409	✓	
Bill Keune dy	256-2701	Yellowstone Co.	³⁴⁵ 409	✓	
Alec Hansen	442 8708	MLCT	409	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 27, 2001 at
3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 585, 3/13/2001

Executive Action: HB 345 BCAA
HB 382 BCAA
HB 409 BCAA
HB 589 BCAA

HB 585 TABLED
HB 30 RE-REFERRED

{Tape : 1; Side : A; Approx. Time Counter : 0}

be the whole public hearing process. Where it had not been approved for prior zoning, they would then have to go through a hearing to get the exception.

Motion/Vote: SEN. GRIMES moved that HB 589 BE CONCURRED IN AS AMENDED. Motion carried 9-2 with Cobb and Miller voting no. Senator Grimes will carry the bill.

EXECUTIVE ACTION ON HB 345

Motion: SEN. HARGROVE moved that HB 345 BE AMENDED EXHIBIT(6) HB034502.agp Printed on April 3, 2001 (10:28AM).

Discussion:

SEN. HARGROVE explained his amendments. The county attorneys asked to be put into this bill and be part of the formula based on the county clerk and recorder. He offered to put the amendment in provided it would be agreeable with MT Assoc. of Counties (MACO). It seemed to solve the challenge that the committee had with SB 66.

SEN. CHRISTIAENS asked Kathy Seacat, Dept. of Justice to respond to his questions. As the amendments are sitting now, the salaries remain the same because of the notification that is needed by end of July if a part-time attorney would become a full time attorney. The salaries will not change during this current fiscal year. If there should be increases up to the \$50,000 per year level, all would be reviewed and approved by the local county commissioners. Kathy Seacat replied that, yes, the Dept. receives notice prior to finishing their budget. Whatever is in their budget for the next biennium is what the counties will live with.

SEN. CHRISTIAENS inquired how this would affect those counties who share county attorneys. Ms. Seacat informed him that there are two counties right now who share a county attorney. They have chosen, for the next biennium, to go their separate ways.

SEN. GRIMES stated that the committee did have the hearing on the county attorneys and the committee agreed that there were needs that should be addressed. He felt that SEN. HARGROVE'S amendments would establish a higher base salary rate for them. Were the county commissioners to have any authority over them?

SEN. HARGROVE replied, yes, because half of their salary comes from the state.

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SEN. HARGROVE replied, yes, because half of their salary comes from the state.

SEN. GRIMES thought that was barely in the title of the bill, and he would oppose the amendment on the grounds that if it had been brought forth earlier in the session they could have gone as far afield as the amendments go. He was not sure it was appropriate to do so at this late date.

SEN. KEN TOOLE wanted to become more familiar with the county attorney salaries and how they are set currently. Was there potential here to ingrain seniority and the cost of living increases over time into a new county attorney's starting salary?

Sheila Cozzie, Human Resource Director, Lewis & Clark County. The base salary would not change. There is a longevity statute in current law that would be based on the tenure of the county attorney in office at the time. The base would be the same but the longevity payment would be different based on their own tenure.

SEN. TOOLE was concerned. The amendment references the previous salary and not the base salary.

SEN. HARGROVE understood her statement just the opposite.

Sheila Cozzie answered that under current law, the base does not change. It increases by the COLA whenever the county commissioners adopt a COLA. That becomes the new base for the next county commissioners. The only thing that would change under current law is that longevity set under the longevity section.

SEN. TOOLE said the base salary is equal to the salary received for the fiscal year ending June 30, 2001. It does not reference back to the base.

SEN. HARGROVE stated that if his amendment passed, then a merging of the two amendments should be looked at.

SEN. CHRISTIAENS wanted to know if the committee should go back into the Dept. of Justice's budget and make some adjustment in the next two fiscal years.

Doug Booker, Dept. of Justice. The amendments offered by **REP. MANGAN EXHIBIT(los69a07)** Printed on April 3, 2001 (10:07AM), state that they could not spend more than what was appropriated. That is based on how they put their budget together which is based on a 2.2 COLA. They would not be able to pay at that level with what had been appropriated to them.

SEN. HARGROVE reiterated that basically, it wouldn't have any affect for this biennium but would have an affect after that.

Mr. Booker explained the counties would submit their budgets two years in advance to them in order to give the Dept. time to adjust their budget. Again, they would be limited to what they could pay for as their share. After they get their appropriations and if a county determined to pay their attorney more, they might not be liable for their half share of the increase.

SEN. CHRISTIAENS asked for an opinion by **Gordon Morris**.

Mr. Morris offered that **SEN. HARGROVE** was correct in that MACO did indicate they had no problem with what was being proposed on behalf of the county attorneys. He stated that the original draft of these amendments were problematic. They did address that. There are sponsor amendments. Those amendments are still out there. Those two amendments are going to have to be coordinated. He suggested **REP. MANGAN'S** amendments be adopted before starting on **SEN. HARGROVE'S** amendments.

The \$50,000 had been taken out and they are using the salary as of June 30, 2001. That constitutes their base. Whatever is then determined to be the salary increments for the fiscal year 2002 would apply to that base for the county attorney just as it does right now. This would not change that part of the process. For other elected officials, the concept is associated with the base. That means that rather than getting 100% of the COLA applied

against the prior year base, you would get some percentage of the COLA applied against the total amount one would receive in the prior year. Counties probably would not give 100% of COLA based upon the new formula. The county attorneys are assuming that this would be a windfall. With amendment #9, one is taking the \$50,000 out in Section 3 and 5. One is having an impact on Section 5 where the county attorneys are being dealt with on a full time or part time basis. What is now being proposed is the remainder of line 26 through "\$30,000" on line 27 is being struck. With that taken out and with the consent of the county attorneys, the county commissioners can move that from being a part time salary to the salary established in 7-4-2503. The salary is being taken away in 7-4-2503. That salary is \$50,000.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Gordon Morris continued: He suggested that, if they adopt that particular amendment, the dollar figure should be left in. That would give a constant starting point. With the amendment, the county attorneys are caught in a unique position where they are going to have to negotiate their starting salary. The salary compensation board is tough and they won't start at \$50,000. If they do, it will be after some very difficult bargaining. The attorneys must be thinking they'll be able to persuade the board and the two county commissioners who have a veto so they can get their 95% of the district court judges' salary. He did not think that would happen. What they have accomplished is something they very well may regret down the road.

SEN. TOOLE offered why would they not just be referencing back to the base salary of the pre-existing county attorney. **Mr. Morris** said why would the board want to start the new county attorney at the base salary of the present county attorney who may have been there for ten years.

SEN. CHRISTIAENS commented, in light of the sponsor's amendment, the committee should go onto the second amendment. He asked for **SEN. HARGROVE'S** comments.

SEN. HARGROVE said the committee should look at that. He would withdraw his motion to look at his amendment.

CHAIRMAN MAHLUM said the two amendments are different and wondered if the two could be put together effectively.

\$50,000 per year. Leave that figure in there and do not strike it out. **REP. MANGAN'S** amendments were to address the concerns of the Dept. of Justice. If you address those concerns, you ignore **REP. MANGAN'S** amendments on page 3, dealing with the county attorneys and on page 5 where language was being inserted and taken out.

CHAIRMAN MAHLUM said they would put HB 345 on hold and go on to the next bill. The committee returned to HB 345 at the end of Tape 2, Side A and continued on to Tape 2, Side B.

EXECUTIVE ACTION ON HB 382

Motion: **SEN. STONINGTON** moved that HB 382 BE AMENDED EXHIBIT(8) HB038204.alk.

Discussion:

SEN. STONINGTON explained her amendment. She addressed the question of what role should local government have in what goes on between a landlord and tenant. In Nov. 2000, Bozeman residents voted self-governing powers for the city commission. Following that, they had been dealing with a tight housing market in which landlords are closing their apartments and evicting tenants with no notice. They had one situation in which the landlord dealt well with the tenants and two situations in which the landlords dealt badly with the tenants. The City Council had tried to step in and find some middle ground. If the bill is passed without this amendment or a similar amendment, there will be no ability for local government to participate in this situation.

SEN. KEN MILLER felt the amendment was dangerous. In tight rental markets, all this would do would be to make it worse. Landlords have to give at least a 30 day notice. If by the words "elimination of rental units," a city could pass an ordinance that would make the landlord find places for his renters if he demolished his building, he was opposed. Renters are already protected under the current landlord laws. Why would cities need an exemption if a landlord wanted to eliminate his own building.

SEN. STONINGTON conceded that **SEN. MILLER** may know the rental laws better than she, but she was going on the testimony of city council people and the mayor. This amendment was drafted by the Bozeman City Attorney. They are just trying to help these people who are being evicted without, as she understood it, adequate

SEN. MILLER explained the amendments. There had been some concerns about licensing. Number 1 amendment brings the bill back to its original form and would not allow local government to license landlords or to regulate their activities with regard to tenants beyond what is....." Number 2 allows local government to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

Motion carried 9-1 with Stonington voting no.

Motion/Vote: **SEN. CHRISTIAENS** moved that **HB 382 BE CONCURRED IN AS AMENDED**. **Motion carried 8-2 with Stonington and Toole voting no.** Senator Miller will carry the bill.

Senator Cobb was not present for voting.

EXECUTIVE ACTION ON HB 30

SEN. CHRIS CHRISTIAENS felt that this bill should be referred to Senate Judiciary because juvenile custody issues in the Corrections Department were being discussed.

Motion/Vote: **SEN. CHRISTIAENS** moved **HB 30 BE REFERRED TO SENATE JUDICIARY COMMITTEE**. **Motion carried unanimously.** Chairman Dale Mahlum will ask for the referral on the Senate floor.

EXECUTIVE ACTION ON HB 345 CONTINUED

SEN. DON HARGROVE said that there had been a consensus reached. He explained that the two amendments could be merged. There would be two parts taken out of **REP. MANGAN'S** amendment and one part taken out of **SEN. HARGROVE'S** amendment.

Gordon Morris, MACO, further explained the two amendment merger. He addressed **REP. MANGAN'S** amendment **HB034501.alk**. This came from the Dept. of Justice. The Dept's intent is accomplished in No. 1 and No. 6. As a result, amendment Nos. 2, 3, 4, 5 can be removed. He then addressed **SEN. HARGROVE'S** amendment **HB034502.agp**. The dollar amount of \$50,000 would be re-inserted and the word "base" substituted.

SENATE COMMITTEE ON LOCAL GOVERNMENT

March 27, 2001

PAGE 16 of 17

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SEN. HARGROVE suggested that paragraph six could be taken out and leave the \$50,000 per year. He asked **Leanne Kurtz** to finalize the suggestions. She felt that she could do this.

Motion/Vote: SEN. HARGROVE moved that HB 345 BE AMENDED EXHIBIT(11) HB034502.agp (Printed on March 28, 2001 (12:05PM)). Motion carried 10-0.

Motion/Vote: SEN. TOOLE moved that HB 345 BE CONCURRED IN AS AMENDED. Motion carried 10-0. Senator Hargrove will carry the bill.

Senator Cobb was not present for voting.

**MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE**

ROLL CALL

DATE

3-27-01

[illegible]



SENATE STANDING COMMITTEE REPORT

March 28, 2001

Page 1 of 2

Mr. President:

We, your committee on Local Government recommend that House Bill 345 (third reading copy - blue) be concurred in as amended.

Signed: 
Senator Dale Mahlum, Chair

To be carried by Senator Don Hargrove

And, that such amendments read:

1. Title, line 6.

Following: line 5

Insert: "REVISING THE BASE SALARY FOR COUNTY ATTORNEYS;"

2. Title, line 9.

Following: "RECOMMENDATION;"

Insert: "CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT
OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT
FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES;"

3. Page 3, line 27.

Following: "base"

Insert: "base"

4. Page 3, line 28.

Strike: "60% of the annual salary of a full-time county attorney"

Insert: "the salary received for the fiscal year ending June 30,
2001"

5. Page 5, line 14.

Following: "officials"

Insert: ", including the county attorney,"

Committee Vote:

Yes 11, No 0.

-701953SC.srf

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6. Page 6, lines 24 and 25.

Following: "annual" on line 24

Insert: "base"

Following: "equal to" on line 24

Strike: remainder of line 24 through "attorney" on line 25

Insert: "the salary received for the fiscal year ending June 30, 2001"

7. Page 8, line 10.

Following: "officials"

Insert: ", including the county attorney,"

8. Page 9, lines 26 and 27.

Following: "7-4-2503" on line 26

Strike: remainder of line 26 through "30,000" on line 27

9. Page 13.

Following: line 22

Insert: "NEW SECTION. Section 9. Limit on state share of county attorney salary. As provided in 7-4-2502(2)(a), the department of justice is not obligated to provide more than one-half of the salary of a county attorney based on the amount included in the department's budget and appropriated for that purpose."

Renumber: subsequent section

- END -

Amendments to House Bill No. 345
3rd Reading Copy

Requested by Senator Don Hargrove

For the Senate Local Government Committee

Prepared by Gregory Petesch
April 3, 2001 (10:28AM)

1. Title, line 6.

Following: line 5

Insert: "REVISING THE BASE SALARY FOR COUNTY ATTORNEYS;"

2. Title, line 9.

Following: "RECOMMENDATION;"

Insert: "CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT
OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT
FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES;"

3. Page 3, line 25.

Strike: "\$50,000 a year"

Insert: "equal to the salary received for the fiscal year ending
June 30, 2001"

4. Page 3, line 27.

Following: "base"

Insert: "base"

5. Page 3, line 28.

Strike: "60% of the annual salary of a full-time county attorney"

Insert: "the salary received for the fiscal year ending June 30,
2001"

6. Page 5, line 14.

Following: "officials"

Insert: ", including the county attorney,"

7. Page 6, line 22.

Following: "the"

Insert: "base"

Strike: "\$50,000 per year"

Insert: "equal to the salary received for the fiscal year ending
June 30, 2001"

8. Page 6, lines 24 and 25.

Following: "annual" on line 24

Insert: "base"

Following: "equal to" on line 24

Strike: remainder of line 24 through "attorney" on line 25

Insert: "the salary received for the fiscal year ending June 30,
2001"

9. Page 8, line 10.

Following: "officials"

Insert: ", including the county attorney,"

10. Page 9, lines 26 and 27.

Following: "7-4-2503" on line 26

Strike: remainder of line 26 through "30,000" on line 27

11. Page 13.

Following: line 22

Insert: "NEW SECTION. Section 9. Limit on state share of
county attorney salary. As provided in 7-4-2502(2)(a), the
department of justice is not obligated to provide more than one-
half of the salary of a county attorney based on the amount
included in the department's budget and appropriated for that
purpose."

Renumber: subsequent section

- END -

Amendments to House Bill No. 345
3rd Reading Copy

Requested by Representative Jeff Mangan

For the Senate Local Government Committee

Prepared by Leanne Kurtz
April 3, 2001 (10:07AM)

1. Title, line 9.

Following: "RECOMMENDATION;"

Insert: "CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT
OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT
FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES;"

2. Page 3, line 27.

Following: "~~class~~"

Insert: "for a county of the first, second, or third class"

3. Page 3, line 30.

Following: "~~attorney.~~"Insert: "A county attorney who is a part-time official for a
county of the fourth, fifth, sixth, or seventh class is
entitled to receive an annual salary equal to 50% of the
annual salary of a full-time county attorney."

4. Page 6, line 24.

Following: "~~class~~"

Insert: "for a county of the first, second, or third class"

5. Page 6, line 27.

Following: "~~attorney.~~"Insert: "A county attorney who is a part-time official for a
county of the fourth, fifth, sixth, or seventh class is
entitled to receive an annual salary equal to 50% of the
annual salary of a full-time county attorney."

6. Page 13.

Following: line 22

Insert: "NEW SECTION. Section 9. Limit on state share of

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county attorney salary. As provided in 7-4-2502(2)(a), the department of justice is not obligated to provide more than one-half of the salary of a county attorney based on the amount included in the department's budget and appropriated for that purpose."

Renumber: subsequent section

- END -

Amendments to House Bill No. 345
3rd Reading Copy

Requested by Senator Don Hargrove

For the Senate Local Government Committee

Prepared by Gregory Petesch
March 28, 2001 (12:05PM)

1. Title, line 6.

Following: line 5

Insert: "REVISING THE BASE SALARY FOR COUNTY ATTORNEYS;"

2. Title, line 9.

Following: "RECOMMENDATION;"

Insert: "CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT
OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT
FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES;"

3. Page 3, line 27.

Following: "base"

Insert: "base"

4. Page 3, line 28.

Strike: "60% of the annual salary of a full-time county attorney"

Insert: "the salary received for the fiscal year ending June 30,
2001"

5. Page 5, line 14.

Following: "officials"

Insert: ", including the county attorney,"

6. Page 6, lines 24 and 25.

Following: "annual" on line 24

Insert: "base"

Following: "equal to" on line 24

Strike: remainder of line 24 through "attorney" on line 25

Insert: "the salary received for the fiscal year ending June 30,
2001"

7. Page 8, line 10.

Following: "officials"

Insert: ", including the county attorney,"

8. Page 9, lines 26 and 27.

Following: "7-4-2503" on line 26

Strike: remainder of line 26 through "30,000" on line 27

9. Page 13.

Following: line 22

Insert: "NEW SECTION. Section 9. Limit on state share of county attorney salary. As provided in 7-4-2502(2)(a), the department of justice is not obligated to provide more than one-half of the salary of a county attorney based on the amount included in the department's budget and appropriated for that purpose."

Renumber: subsequent section ____

- END -



AN ACT PROVIDING COUNTIES WITH THE AUTHORITY TO ESTABLISH SALARIES FOR COUNTY OFFICERS; INCLUDING A JUSTICE OF THE PEACE AS A COUNTY OFFICER; REVISING THE BASE SALARY FOR COUNTY ATTORNEYS; ESTABLISHING A COUNTY COMPENSATION BOARD TO MAKE RECOMMENDATIONS TO THE COUNTY COMMISSIONERS FOR ANNUAL SALARY ADJUSTMENTS; PROVIDING FACTORS TO BE CONSIDERED IN MAKING A RECOMMENDATION; PROVIDING THAT A COUNTY OFFICER'S SALARY MAY NOT BE REDUCED BY A RECOMMENDATION; CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES; AMENDING SECTIONS 3-10-207, 7-4-2107, 7-4-2503, 7-4-2504, 7-4-2706, 7-14-2126, 41-5-1704, AND 41-5-1705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution and ~~may, for all or the remainder of each fiscal year,~~ in conjunction with setting salaries for other officers as provided in 7-4-2504(1), ~~set their salaries at the prior fiscal year level if that does not result in a reduction in salary. Salaries must meet the minimum requirements established by this section.~~

~~(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.~~

~~(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.~~

~~(4)(2)~~ The salary of the justice of the peace may not be less than the salary for the district clerk

of the court in that county, ~~except as provided for in subsections (1) and (5).~~

~~(5)(3) In the event his~~ If the justice's court is not open for business full time, the justice's salary shall must be commensurate to the workload and office hours of the court. The salary of a justice of the peace may not be reduced during the justice's term of office."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1) Except as provided in subsection (3), each Subject to subsection (2), each member of the board of county commissioners ~~in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection.~~

(2) Each member of the board in all other counties may elect to serve on a part-time rather than a full-time basis and receive an part-time annual salary equal to salaries based on the annual salary established in 7-4-2503(1)(a)(iii) for the clerk and recorder ~~or a salary at a per day rate determined by using the salary established in 7-4-2503(1)(a)(iii) for the clerk and recorder. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection. The salary determined by the board must apply uniformly to all board members.~~

~~----- (3) Each member of the board of fourth class counties may receive a salary at a daily rate determined by using the salary established in subsection (1). If a daily rate is used, then all board members must be paid on that basis.~~

~~(4)(3)~~ This section does not apply to counties that have adopted a charter form of government."

Section 3. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. (Temporary) Salary schedule for certain county officers -- county compensation board.

(1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court,

county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, and county auditor in all counties where the office is authorized must be established by the county governing body ~~at no less than 80% of the annual base salary of:~~

~~—— (ii) \$25,000 for counties of the first through fifth class added to the population increment of \$10 for each 100 persons or major fraction of 100 persons included in the county's population as determined by the 1990 federal decennial census; or~~

~~—— (iii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10 for each 100 persons or major fraction of 100 persons in the county's population as determined by the 1990 federal decennial census~~ based upon the recommendations of the county compensation board provided for in subsection (4).

(b) The annual ~~base~~ salary established by the county governing body in subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

(2) (a) An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 a year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 a year.

(b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum of \$2,000 a year.

(c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base~~ salary ~~set forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases. The additional salary amount provided for in this subsection may not be included in the ~~base~~ salary for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

(3) (a) In each county with a population in excess of 30,000, the county attorney must be a full-time official under 7-4-2704, and the base salary is \$50,000 a year, subject to adjustment as provided

in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time official ~~for a county of the first, second, or third class~~ is entitled to receive an annual ~~base~~ base salary equal to ~~60% of the annual salary of a full-time county attorney~~ the salary received for the fiscal year ending June 30, 2001. ~~A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual base salary equal to 50% of the annual base salary of a full-time county attorney.~~

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the ~~base~~ salary of the county attorney is the same as the ~~base~~ salary established for full-time county attorneys in subsection (3)(a).

(c) ~~On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index based upon the schedule developed and approved by the county compensation board as provided in subsection (4). However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level required by this subsection (3)(c). ~~The cost of living increment for each fiscal year must be added to all cost of living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost of living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.~~

(d) ~~(i)~~ After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of employment as a deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy county attorney and for each year of additional service ~~thereafter~~ up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

~~(iii) A county with a full-time county attorney may pay its full-time county attorney the same longevity increase that is provided for under subsection (3)(d)(i) for deputy county attorneys.~~

~~—— (iii) Unless longevity increases are restored pursuant to 7-4-2504(2), the years of service during a year in which the salary was set at the level of the salary of the prior fiscal year may not be included in a calculation of longevity increases.~~

~~(4) The latest federal decennial census statistics are the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year is based on the most current calendar year's estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify.~~

(4) (a) There is a county compensation board consisting of the county commissioners, three of the county officials described in subsection (1) appointed by the board of county commissioners, the county attorney, and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(b) The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(c) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on [the effective date of this act]. (Terminates July 1, 2001--sec. 4, Ch. 411, L. 1999.)

7-4-2503. (Effective July 1, 2001) Salary schedule for certain county officers -- county compensation board. (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, and county auditor in all counties where the office is authorized must be established by the county governing body ~~at no less than 80% of the annual base salary of:~~

~~—— (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10 for each 100 persons or major fraction of 100 persons included in the county's population as determined by the 1990 federal decennial census; or~~

~~—— (ii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10 per 100 persons or major fraction of 100 persons in the county's population as determined by the 1990 federal decennial census~~ based upon the recommendations of the county compensation board provided for in subsection (4).

(b) The annual ~~base salary~~ established ~~by the county governing body in~~ pursuant to subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

(2) (a) An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base salary set forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases. The additional salary amount provided for in this subsection may not be included in the ~~base salary~~ for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

(3) (a) In each county with a population in excess of 30,000, the county attorney must be a full-time official under 7-4-2704, and the salary is \$50,000 per year, subject to adjustment as provided in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time official ~~for a county of the first, second, or third class~~ is entitled to receive an annual base salary equal to ~~60% of the annual salary of a full-time county attorney~~ the salary received for the fiscal year ending June 30, 2001. ~~A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.~~

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney is the same as that established for full-time county attorneys in subsection (3)(a).

(c) ~~On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index based upon the schedule developed and approved by the county compensation board as provided in subsection (4). ~~However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.~~

(d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy county attorney and for each year of additional service thereafter

up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase, ~~but, unless longevity increases are restored pursuant to 7-4-2504(2), the years of service during a year in which the salary was set at the level of the salary of the prior fiscal year may not be included in a calculation of longevity increases.~~

~~(4) The latest federal decennial census statistics are the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year is based on the most current calendar year's estimates of counties' populations compiled by the federal state cooperative program for estimates of the university of Montana Missoula bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify.~~

(4) (a) There is a county compensation board consisting of the county commissioners, three of the county officials described in subsection (1) appointed by the board of county commissioners, the county attorney, and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(b) The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(c) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on [the effective

date of this act]."

Section 4. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. ~~{+}~~ The county governing body shall by resolution on or before August 1 of each year adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, clerk of district court, county auditor (if there is one), justice of the peace, and county surveyor (if the surveyor receives a salary). ~~The salaries fixed may be no less than 80% of~~ by adding to the annual base salary provided for in 7-4-2503(1) ~~plus a cost-of-living increment based on a percentage of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index~~ upon the schedule developed and approved by the county compensation board provided for in 7-4-2503(4). The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, the county attorney, and the coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such a case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.

~~— (2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years for which the cost-of-living increment was restored.~~

~~— (3) The county governing body shall by resolution, prior to August 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The~~

~~salary must be in effect on the first day of each ensuing fiscal year."~~

Section 5. Section 7-4-2706, MCA, is amended to read:

"7-4-2706. County attorney to be full or part time -- resolution -- salary. (1) In any county with a population of less than 30,000, the county commissioners may, upon the consent of the county attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary ~~provided by established pursuant to 7-4-2503 for the office of county attorney in a county with a population in excess of 30,000.~~

(2) In any county in which the office of county attorney has been established as a full-time position under subsection (1), the county commissioners may, by resolution and upon the consent of the county attorney, establish the office as a part-time position on July 1 of any year."

Section 6. Section 7-14-2126, MCA, is amended to read:

"7-14-2126. Compensation for making inspections. The person ~~or persons~~ making the inspections authorized by 7-14-2125 shall receive a daily salary equal to ~~that~~ the equivalent of a daily rate for the salary established in 7-4-2107(2) and actual expenses if ~~he receives no~~ the person does not receive other compensation for that day and is not on an annual salary. The claims ~~shall~~ must be audited and allowed in the same manner as other claims against the county."

Section 7. Section 41-5-1704, MCA, is amended to read:

"41-5-1704. Salary and expenses. (1) A chief probation officer must receive a salary specified by the court, depending on the formal training and experience of each respective officer; however, the salary may not be lower than \$24,000 a year ~~and may not be higher than \$29,000 a year.~~ In addition to the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of the chief probation officer for a cost-of-living increase by adding to the chief probation officer's annual salary on July 1 of that year an increment, as determined by the county governing body using the applicable formula provided ~~for in 7-4-2504, of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business~~

~~and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index. The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year by the county governing body. If that is the case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments. The salary of a chief probation officer must be apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion to the cost allocation established under 41-5-104, except when the officer is appointed for one county, then that county shall pay the entire salary.~~

(2) In addition to the compensation provided in subsection (1), each chief probation officer with more than 5 years of service is entitled to receive an annual 1% longevity allowance; however, years of service during any year in which the salary was set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increase. Each longevity allowance must be based on the officer's current salary and begins on the officer's annual employment anniversary date. The allowance must be paid in equal monthly installments.

~~(3) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1), the longevity increases provided for in subsection (2) must also be restored for those years that the cost-of-living increment was restored.~~

~~(4)~~(3) For all authorized travel incident to a chief probation officer's official duties in connection with the investigation, supervision, and transportation of youth, the chief probation officer must, in addition to the officer's salary, be reimbursed as provided in 2-18-501 through 2-18-503."

Section 8. Section 41-5-1705, MCA, is amended to read:

"41-5-1705. Deputy probation officers -- salary. (1) The judge having jurisdiction of juvenile matters may appoint persons to serve as deputy probation officers ~~as~~ that the judge considers necessary, giving preference to persons having the qualifications suggested for appointment as the chief probation officer. The salaries of deputy probation officers must be fixed by the judge. The salaries may not exceed 90% or be less than 60% of the salary of the chief probation officer, excluding the cost-of-living increase provided in subsection (2) and longevity payments provided in 41-5-1704.

(2) In addition to the salary, the judge shall, on or before July 1 of each year, adjust and fix the salary of the deputy probation officer for a cost-of-living increase by adding to the deputy probation officer's annual salary on July 1 of that year an increment, as determined by the county governing body using the applicable formula provided in 7-4-2504, ~~of up to 100% of the previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana-Missoula may in the future recognize as the successor to that index.~~ The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year by the county governing body. If that is the case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to previous increments. The salary of a deputy probation officer must be apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion to the cost allocation established under 41-5-104, except when the officer is appointed for one county, then that county shall pay the entire salary.

(3) In addition to the compensation provided in subsections (1) and (2), each deputy probation officer with more than 5 years of service is entitled to receive an annual 1% longevity allowance; ~~however, years of service during any year in which the salary was set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increase.~~ Each longevity allowance must be based on the officer's current salary and begins on the officer's annual employment anniversary date. The allowance must be paid in equal monthly installments.

~~(4) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (2), the longevity increases provided for in subsection (3) must also be restored for those years that the cost-of-living increment was restored.~~

~~(5)~~(4) The salary of a deputy probation officer promoted to chief probation officer may not be decreased by the appointment. The deputy probation officer retains all longevity allowances earned during service as a deputy."

Section 9. Limit on state share of county attorney salary. As provided in 7-4-2502(2)(a), the department of justice is not obligated to provide more than one-half of the salary of a county attorney

based on the amount included in the department's budget and appropriated for that purpose.

Section 10. Effective date. [This act] is effective on passage and approval.

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